642, 728, 177, 565

Syria	MD1
Israel	MF1
Jordan	MG1
Iraq	MH1
Lebanon	ME1

/For an account of the political regime, social stratification, and Westernizing of administration under the British and French Mandates following the First World War, see 66: Bonné, M1 Middle East, category 116, pp. 88-101./

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

impassable mountain or swamp. The governing authority was foreign, unloved, and deadly poor. None but a minute fraction of the population was ready to welcome efficient government; the greatest part repudiated it as alien to their ways and interests. The 'Iraqis were and are of independent, individualistic character, unaccustomed to control. Faction in the towns and endless tribal warfare had been the rule for centuries. The deep division between town and tribe was itself a major obstacle to uniform administration; to it was added the gulf between the Sunni and Shi'i communities. Such was the territory which for four centuries the Ottoman Government, acclaimed almost universally by Western opinion as the world's worst, had been trying to administer.

The Government of 1900 of which we speak, and its approach to these problems, differed indeed essentially from that of three generations earlier. In the original form of Ottoman rule, which was pure Oriental despotism, all power was the Sultan's. He stood at the head of an elaborate hierarchy of stratified functionaries, and was represented by governors locally as autocratic as himself. Rule was for his sole benefit and grandeur; no law existed save the Shara', capriciously enforced; no limit or appeal restricted the local powers of Wali or Mutasallim. All posts were for sale, including those of the highest functionaries.

Changes in this régime had been forced upon the Ottoman dynasty early in the nineteenth century by its military defeats, which compelled it to invoke European military teachers. And while successive Sultans were led by this necessity to rebase the conception and machinery of Government with a new body of law and procedure and a new class of officials, other modernizing agencies were at work: those of trade and shipping, educational foundations, travellers, missions, modern communications, and a press. To this impact of the West urgency was imparted by the attitude of Turkey's European creditors and the reaction in Europe to the miseries of the Christian provinces successively detached from the Empire. Under such pressures was evolved the half-modern, pretentious, overburdened, needy Turkish Government of the nineteenth century. For seventy years before 1900 'Iraq had enjoyed the blessings of 'reformed' Government, had seen its Administration modified first on paper and then in fact, with every new meticulous Ordinance in Midhat Pasha's revised wilaya system. With regulations to apply and functions specialized, a numerous and influential class had come into existence, the effendis. Neither landowners nor merchants nor divines, they were of a middle and secular class, complacently urban. 'Iraqi by race except in the highest posts, the effendis formed a great part of the social element receptive of Turkish culture, and acted as the

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

647 and sale of tobacco products; the Customs Department; all these likewise were of no direct concern to the Wali. The same applies to the rare public works entrusted to the wilaya engineer, and to the Department of Pious Bequests (Awqaf) The Wali could venture on no official interference in the Oman-Ottoman Administration, none in the favoured Saniya. The last-named had, by 1900, acquired for its master by favourable 'purchase' almost one-third of the cultivable lands of Baghdad wilaya, and very large estates in Baṣra and Mosul.

701 The VIth Army, whose territorial area was coterminus with 'Iraq, was reckoned as the least excellent of the main Turkish formations. It consisted of two divisions of infantry, a cavalry division, and a formation of artillery. The units of every arm were widely scattered, and constantly changed station according to the needs of the tribal warfare. Transport was hired for the occasion, supply and medical arrangements were primitive, equipment was shabby and deficient. The staffs and organization of the Army were in general those of modern forces; but the troops were misused, discipline was lax, pay irregular. Service with the Army was
702 by conscription, from which non-Muslims and many classes of Muslims were free on payment; tribesmen were wholly exempt. Compulsory service was commonly prolonged beyond the legal three-year period, and this, with the liability to be sent to a grave in the Yaman or Europe, combined to make conscription of all Turkish institutions the most resented. Nevertheless, no Arab province supplied more officers to the Turkish Army, or of higher standard, than did 'Iraq.

706 The Navy at Baṣra, a puny and decayed service, was commanded by a commodore. Its ostensible duty was that of river police, in which it signally failed. With a shore establishment of some two hundred, its only craft in 1900 were an ancient corvette unable to leave its moorings, the *Kilid al-Bahr*, and a small armed paddle-steamer, the *Alus*.

642 This Turkish Government of 'Iraq, at whose task, evolution, and organization we have now glanced, had irreproachable nominal objectives—order, progress, and public advantage. Its regulations were comprehensive and repeatedly revised: its administrators contained men of education, experience, and knowledge of local conditions. It was, nevertheless, severely criticized by its own servants and not less by outside observers. Excessively centralized, it was bound by a thousand ill-applicable rules which precluded local initiative; it was ill-served, ill-housed, ill-equipped, and incapable of maintaining forces adequate to its clearest needs. It lacked a breed of loyal and vigorous men able to grasp the essentials of ruling a backward tribal territory, and trusted by their superiors.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

If it was at times urged forward by its few modernists and by the example of the local minorities, it was retarded by retrograde self-interested elements in 'Iraqi as in Turkish society. Above all, 'Balik Başdan Kokar'—the fish putrefies from its head downwards: 'Iraq was but part of an Empire whose central government in 1900 was an inept and seedy despotism distracted by constant alarms and suspicions, lectured by the Powers, preyed on by adventurers, working by spies and tale-bearers, and rotten with corruption and nepotism. There was at Sublime Porte and Yildiz alike more willingness to gain time and weaken opposition by playing off rival forces, bribing the dangerous and reassuring with false promises, than to initiate clean and effective government, of which even the ideal as well as all the material means were lacking. From this central government the 'Iraq wilayas depended, from its ranks came the senior officials to every sanjaq and department, and to it the intriguers and malcontents of 'Iraq could bear their tales.

Economically, as has been seen, great hopes had been formed of 'Iraq development. Politically, it was the Sultan's way to woo the important town families—and notably those of religious pretension—by favours and courtesies: to encourage Sunni shrines and charities: to stress the Caliphate aspect of his rule: to be known as planning a railway to Mecca and Madina: to increase pan-Islamic preaching to align Arab with Turk: and to retain an Arab personal bodyguard. Towards its tribal problem the policy was that to which any government must sooner or later have been driven: in the impossibility of finding tribal elements capable of loyal vassaldom, and the certainty that the shaykhs would always abuse all power permitted to them, it could only be a policy of the introduction of direct rule by practicable stages. But such a project was resisted by nine-tenths of the tribal leaders, because it was fatal to their own favoured position; its enforcement therefore involved a ceaseless struggle by Government to assert its paramountcy and to drive the shaykhs to acquiescence. The varying character of Governors and the poverty of their resources led to many inconsistencies, nor was it always possible to make military demonstrations or launch successful punitive columns. It seemed at times more politic to overlook flagrant offence, to support a paramount shaykh or even to name him (as had happened) Governor of the sanjaq itself; and sometimes the shaykh could, in defiance of all policy, buy his requirements of authority or impunity for cash. 'The sword—and the sugar!' was the Turkish administrator's formula for 'Iraq.

As to politics, under the Ḥamidiyan régime political life could not be expected. It was precluded by the static and alien nature of Government, and by the pervasive spy system. Towards the Turkish Government as a whole there could be no 'Iraqi attitude

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

III

WAR AND BRITISH OCCUPATION

1. MIDSUMMER 1914

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To few countries in the world were greater changes brought by the events of 1914 to 1918 than to 'Iraq. Severed from the Ottoman Empire after four centuries, it witnessed a change of overlord, from Oriental Muslim to Western Christian: a profoundly different spirit and effectiveness in its administration: the admission of vastly strengthened modernizing influences in society and politics, with new economic opportunities; a changed world orientation, with a transformed status and fresh problems in world affairs: and the entry of a flood of the light of European publicity and detailed familiarity with its peoples, places, and conditions. With all this, the more backward parts of its population—and these formed the great majority—were to pursue lives relatively unaltered, while the profounder problems of 'Iraqi economics and politics continued to lack solutions which, more than a generation later, have not yet been devised.

The moment from which these unforeseen and unforeseeable innovations were to date invites, therefore, certain speculations involving the comparison of fact with might-have-been.

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The position reached by the 'Iraqi people and their Government by midsummer 1914 was one whose evils of insecurity, backwardness, and poverty were plain to see, and have been sufficiently described. But there were, less obviously, fair grounds also for some optimism. If the tribes had evolved little, urban society was clearly advancing under influences of relative enlightenment or modernity which seemed on balance beneficent. In politics, confined as they were to a small minority, Arab nationalism had taken a firm hold and would certainly persist; to all its varying votaries it was exciting, new, significant; and the linking of the movement in 'Iraq with those of Syria and Egypt had well begun. Such nationalism did not preclude the survival, in a high proportion of the old Sunni families and the Ottomanized bureaucracy, of pro-Turkish sentiment loyal to the ancient ways.

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Nationalism apart, there were powerful elements in 'Iraq hostile to Government as such. These were certain to resist its greater efficiency, by whomsoever developed. The tribes had barely glimpsed the possibility of a rule which could provide them with irrigation water, secure their markets, stop bloodshed amongst them, heal their sick; more generally the Dawla remained the

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1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 619 distant, hated, interfering bugbear and, to the shaykhs, the enemy whose every advance must be at the cost of their power and livelihood. This was no less true among the Kurds, who, hating the Turks, were unlikely to welcome the substitution of Arabs as rulers; indeed, a national consciousness of their own had already come, feebly, to birth. And on the Euphrates the theocratic Shi'i priesthood were likely under any régime to maintain their own pretensions, incompatible as these were with any secular Government. Nevertheless, the tendency of the period prior to 1914 642 185 had been on the whole towards extension of the authority of Government, a process likely or certain to continue under the newer-fashioned post-1909 Administration: for this, tactless and over-centralizing, was nevertheless more vital and more modern-minded than any previous Ottoman Government. Its administrative record even in the excessively embarrassed period of 1908 to 1914 contained creditable features: better attention was being paid to education, health services, town planning; the gendarmerie had been improved, town police perfected, the Army reorganized, the judicial system in part revised. And the international agreements of 1913 and 1914 between Turkey, Great Britain, and Germany seemed to clear away many obstacles to development.

In the latter field, indeed, there was room for fair hopes. Though many problems were untackled—those of improved agriculture, use of water resources, land tenure—yet a notable beginning had been made with irrigation works, and the Baghdad Railway was at last, it seemed, to be completed. River navigation was likely to be improved under the 1913 arrangements. The eventual opening up of productive areas and markets would encourage trade and agriculture, and perhaps create industry. A concession for the oil of Baghdad and Mosul wilayas had been promised, and that to parties well able to develop that wealth, if it existed.

000 Thus a prudent observer of 'Iraq in the midsummer of 1914 might have prophesied a future of increasing development of resources and communications. These, directed by a vigorous Government free at last from international strife, might have produced by degrees the wealth necessary to maintain stronger forces, to impose security, to pay an improving civil service, to remedy, in fact, the more glaring evils of the Administration. Society would almost inevitably progress towards higher standards. The movement of local nationalism was likely to gain further ground in the direction of a privileged, even an autonomous, status in the Empire; but a complete secession of the Arab provinces was unlikely because it was backed neither by any military force, nor by any especial sympathy of Europe such as the Balkan Christians had enjoyed, nor by any unity of aim among the Arabs.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

669 Provisional Government had existed for some weeks and from which the British prisoners captured in July, of the Manchesters and other regiments, were recovered in good condition.

A variety of minor punitive expeditions were led in the little-visited marsh country, and military marches and demonstrations carried out throughout the winter of 1920–1. Communications including the Baghdad–Baṣra railway were progressively restored. Loyal tribal leaders were thanked and rewarded. The submission of ex-insurgents was accepted, save for some few who, through fear or principle, fled to Syria or the Ḥijaz. Fines of rifles imposed on tribes by the Commander-in-Chief were effectively collected; some 70,000, including 21,000 of modern type, were handed in within six months by mid-Euphrates tribesmen alone. From the Muntafiq, exceptionally, no arms were collected, and only one expedition in January 1921 visited the Gharraf.

In mid-October Sir Percy Cox returned to 'Iraq as planned to relieve Wilson, his deputy, and to carry out the constitutional programme announced four months earlier. After consultations in southern 'Iraq, he reached Baghdad on 11 October and could rightly wonder, in a proclamation issued on 17 October, what aims the few still active insurgent tribesmen could be seeking. The attempt of the Mujtahids to regain a seriously though but temporarily shaken position by claiming to act as mediators between the Government and the Shi'i tribesmen was frustrated by Cox's refusal. Week by week conditions normalized, and the deferred progress in State-building could be resumed.

5. THE KING

642 Immediate 'complete independence' for 'Iraq formed no part of the programme which Cox was to carry out; after the failure of the insurrectionist movement organized to obtain it, and the collapse in July 1920 of the Amir Fayṣal's Government in Syria, even its warmest advocate could now scarcely expect it. A Mandate for 'Iraq had been accepted by Great Britain, with all the tutelage which that, however interpreted, must involve; the belated Treaty of Sèvres with Turkey, signed on 10 August 1920, was to permit the 'Iraqi Kurds to adhere, if they wished, to the State into which central Kurdistan might or might not evolve. Cox himself and his advisers, however sympathetic to 'Iraqi aspirations, were convinced that the intended substitution of 'Iraqi for British government, must, for soundness and permanence, be gradual and progressive; indeed, the actual British Administration visibly operating in every department, liwā, and qadhā was a reality which no politics could, for the moment, dissipate. At the same time the more prudent programme of erecting an 'Iraqi Administration,

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

sketchy at first but to gain increasing reality, on the intended lines of the Bonham-Carter proposals as considerably modified by Whitehall and by Cox himself, could expect support from the body of moderate or non-political opinion now consolidated by the frightening experiences of July and August, as well as from the British officers who were by a great majority willing and indeed eager to help in establishing a new régime. Extremism was, for the moment, under a cloud with some of its exponents abroad, others temporarily silent. Many or most sincere nationalists were willing for a time to participate in a new order which, incompletely as it could satisfy them, at least represented a substantial advance.

Within a week of reaching Baghdad, where as throughout 'Iraq his reception was cordial, Cox with his advisers—Bonham-Carter, Howell, Philby, Slater, Bullard, Miss Bell—elaborated plans for an interim 'Iraq Government. A Council of responsible ministers was to be assisted by British advisers, and a comprehensive 'Iraqi civil service to assume the reins of Government in the provinces. For the post of President of the Council, Cox was able to overcome the genuine reluctance of the venerable Naqib of Baghdad, Sayid 'Abd al-Raḥman al-Gaylani; and the latter on 25 October issued invitations to eminent fellow countrymen selected by himself and Cox for Cabinet positions. The Council which, after only two refusals to serve in it, met on 2 November, contained Sayid Ṭalib Pasha who, but for his too evident personal ambitions, would have been considered for the Presidency: Ja'far al-'Askari, a Baghdadi ex-Turkish officer of unusual personality, who had left the Turkish for the Arab armies during the War and attained high rank under Faysal (p. 119): and Sasun Ḥasqayl, a Jewish financier and ex-deputy who had held high positions in Istanbul. The other ministers were a Baṣra landowner notable, 'Abd al-Laṭif al-Mandil, at the Ministry of Commerce; a retired Turkish General from Kirkuk, 'Izzat Pasha, at that of Works; an ex-Mayor of Mosul, Muḥammad 'Ali Fadhil, at that of Awqaf; a former Qadhi of Baghdad and Mecca, Muṣṭafā al-Alusi, as Minister of Justice; with these, who were all Sunnis, the Naqib was persuaded to appoint a Shi'i divine, Sayid Muḥammad Mahdi Ṭabaṭaba'i, as Minister of Education and Health; and to them were added, without portfolio, a half-dozen[1] of the leading notables of the three cities, including two Christians and a Shi'i, and three outstanding Shi'i tribal leaders. A Kurd of the Baban family refused to take part.

The earliest meetings of the Council discussed and agreed on its

[1] These were: 'Abd al-Raḥman al-Ḥaydari: 'Abd al-Jabbar al-Khayyaṭ: Fakhri al-Jamil: Ḥajj 'Abd al-Ghani Kubba: Shaykh 'Ajil al-Samarmad: 'Abd al-Majid al-Shawi: Shaykh Muḥammad al-Sayhud, the Amir of the Rabi'a: Da'ud al-Yusifani: Shaykh Salim al-Khayyun: Aḥmad Pasha al-Ṣani' of Baṣra: Ḥajj Najm al-Badrawi: and Shaykh Dhari al-Sa'dun.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 own status and procedure. The supreme authority of the High
645x Commissioner was recognized, and was required for confirmation of almost all Acts of State and the higher administrative appointments. The rôle of the ministerial British Advisers was heavy and all-pervasive. Nevertheless, Cox could announce on 11 November 1920 that, pending the calling of the General Elective Assembly authorized by the Notification of 17 June, a provisional National Government had been established: that its Council of State consisted of a President and Ministers for Interior, Finance, Justice, Education and Health, Defence, Public Works, Commerce, and Awqaf, and other ministers without portfolio: and that 'until the organic law is promulgated and brought into effect the Council of State Ministers shall be responsible for the conduct, subject to my supervision and control, of the administration of Government, excluding foreign affairs, military operations, and in general military affairs except as concerned solely the locally recruited forces'.

The British Advisers to the Ministries were appointed at the same time: H. St. J. B. Philby to Interior, S. H. Slater to Finance and to act in Commerce, Major-General Atkinson to Communications and Works, Major G. F. Eadie to act in Defence, Sir E. Bonham-Carter in Justice, E. L. Norton in Health and Education, and R. S. Cooke in Awqaf.

645x The Council of Ministers, dignified and deliberate, proceeded to the dispatch of business. Arrangements were made under pressure from Ja'far Pasha for the organized repatriation from Syria of Faysal's 'Iraqi officers, who, hotly nationalist and as yet doubtfully disposed towards the new British-sponsored compromise régime, could not but form an important element in 'Iraq politics. A number of politicians deported in 1920 from 'Iraq to Hanjam Island in the Persian Gulf for subversive agitation were permitted to return; the remainder were to be released under the general amnesty proclaimed in June 1921. Work was begun in Committee on a revision of the all-important Electoral Law, a task begun by Sayid Ṭalib Pasha's conclave of ex-deputies in August. It proved intractable; the High Commissioner favoured, the ministers disliked, separate representation for the tribes. These, though they formed a great majority of the population, would without such a provision secure no parliamentary spokesmen at all. A first draft of the revised law was unsatisfactory, if only because, among other defects, it ignored the special rights of the Kurds under the Sèvres Treaty. The completion of the draft was willingly postponed by the Minister of the Interior, Sayid Ṭalib, whose own ambitions, it seemed to some, made him reluctant for elections to be held at all until his own plans were mature.

631 The reorganization of the provincial government on a plan

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 By the early weeks of that year the situation in 'Iraq had vastly improved; there was now time and opportunity to proceed further with constitutional and administrative development, and not least with the selection of a ruler. The insurrection was over, though tribal disquiet persisted in the Muntafiq and in various degrees elsewhere. In spite of obvious imperfections, a Government by 'Iraqis was operating. Ministers were showing goodwill and patience, and the lone hand evidently played by Sayid Ṭalib was 648 not for the moment menacing. A frontier agreement had been made with the French in Syria in December 1920; and though it fixed a boundary which, since it appeared to bisect both the Jabal Sinjar and Albu Kamal, was in fact ignored, frontier relations were by now at least non-violent. The persistent propaganda and trouble-making from across the Turkish frontier had not seriously perverted the 'Iraqi-Kurdish or the Euphrates tribes. Peace between the Allies and Turkey had been made, even though the new conditions now supervening in that country already condemned the Sèvres Treaty to nullity.

008 In London 'Iraq affairs from 1921 onwards were handled by a newly created Middle Eastern department of the Colonial Office; and the first action of Mr. Winston Churchill, transferred from the War Office as Colonial Secretary, was to convene a Conference at Cairo which should decide, once and for all, the many outstanding Middle Eastern questions. It met on 12 March 1921, attended by the highest Service personalities, Foreign Office and Treasury experts, Churchill's Eastern advisers including Lawrence, and, from 'Iraq, Sir Percy Cox accompanied by General Haldane, Ja'far al-'Askari, Sasun Ḥaṣqayl, Gertrude Bell, and two of the ministerial Advisers. The agenda, as far as concerned 'Iraq, included the selection of a ruler, the treatment of the 'Iraqi Kurds, the early reduction of British expenditure, and the composition of the forces designed to secure the defence of 'Iraq after the withdrawal of British garrisons.

643 For the post of Amir or King of 'Iraq, no local candidate had commanded anything approaching adequate support. The Naqib was advanced in age, nor could his family produce an acceptable successor; Sayid Ṭalib with his past record and cynically unscrupulous character was more feared than accepted; a Turkish prince, probably Burhan al-Din, suggested in some quarters of Baghdad or Kirkuk, could scarcely be welcome to the British Government; the Agha Khan, gravely proposed, could not be a serious candidate, and the Wali of Pusht-i-Kuh still less; the Shaykh of Muḥammara, a self-proposed pretender, was unthinkable, and the Najdi Amir, 'Abd al-'Aziz ibn Sa'ud, scarcely less so. But the Amir Fayṣal was now available. His candidature had been suggested by A. T.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

V

THE 'IRAQ KINGDOM

1. A REIGN BEGINS

643 THE new King was to reign in 'Iraq for twelve years. Aged 36 at the time of his accession, he possessed unusual qualities of dignity, leadership, and sympathy; and his political adroitness, which reflected a high intelligence used always devotedly, sometimes perilously, in the service of his adopted country, enabled him and it to survive grave dangers and to establish, in so few years, the structure of a State both more imposing and more promising than most observers could have expected. The British decision to encourage the candidature of this dethroned and non-'Iraqi prince for the 'Iraq throne had contained, indeed, the seeds of many blessings for that country.

The King's family joined him at Baghdad from Mecca. His young half-brother the Amir Zayd, then aged 21, was earliest with him, before going, a year later, to spend three years at Oxford. The material surroundings of a throne were soon, humbly enough, provided, and the royal figure became the unquestioned centre of all 'Iraqi political and social life. His name was used in the Khuṭba—official prayers—on and after his first Friday as King. By his tours in all areas and his accessibility he quickly became known to thousands of his subjects; indeed, no contributions made by Fayṣal were greater or more personal than his equal appeal to town and tribe—a reflection of his own half-urban half-desert background and education—and his power (which at moments failed him) to balance the forces of extreme 'Iraqi nationalism with the exigencies of the British connexion. His relations with the High Commission—now established on the Tigris right bank, physically and officially separated from the Government of 'Iraq across the river—and with the British element inevitably preponderant in Government during the early months, were cordial and appreciative, though his 'Iraqi entourage contained, as was soon to appear, some elements of a less realistic or more fanatical nationalism, which could be damaging. Cornwallis, Adviser to the Ministry of the Interior since August 1921, acted also as the King's personal Adviser.

642 The constitutional position of the territory was yet singularly unclear. Its elements were a Turkish sovereignty still existing, though dormant: an unratified Mandate, accepted by Great Britain but unwelcome to 'Iraq itself: a constitutional monarchy,

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

with no Constitution; and an intended treaty relationship with Great Britain, but as yet no treaty. These features, however, did not disturb the administration of the country, which in Faysal's first half-year proceeded without interruption. The Naqib and his Council, correctly resigning on the King's accession, were reinstated with changes. The new Cabinet formed on 10 September included Naji al-Suwaydi, a lawyer and patriot of distinguished name and record, as Minister of Justice: a Mosul Christian doctor Ḥanna Khayyaṭ as Minister (later Director-General) of Health: and most of the former Ministers, including Ja'far Pasha in Defence and Sasun Ḥasqayl in Finance. Ḥajj Ramzi, a nonentity who had succeeded Sayid Ṭalib at Interior, retained that office. The Ministers of Justice, Works, and Awqaf were unchanged. The now separate Ministry of Education was entrusted to the learned Shi'i divine Sayid Muḥammad 'Ali al-Shahristani. This Cabinet was unaltered till March 1922. Among the Advisers, Cornwallis was to remain in Interior for the next fourteen years; Bonham-Carter retired in May 1921, replaced for a year by Nigel Davidson also from the Sudan and thereafter by E. M. Drower: Atkinson, leaving for India, was succeeded by his deputy H. H. Wheatley. Lionel Smith became adviser to Education, Colonel P. Joyce—a colleague of the Amir Faysal and of Lawrence in the Arabian campaign—to Defence. Slater and Cooke were unchanged.

The grouping of departments differed widely from that practised under the Secretariats of the Wilson régime (p. 108). The Ministry of Interior covered, besides tribal, 'political', and municipal affairs, the 'Iraq Police, the civil prisons, the Agricultural and Veterinary departments, the Health service (when it ceased to be a Ministry), the Press Bureau and the department of Revenue until its transfer to Finance in October 1921. The Ministry of Finance dealt with its normal revenue, expenditure, accounting, budgeting, currency, and establishment functions, and controlled the Port of Baṣra; that of Communications and Works covered the departments of Irrigation, Public Works, Posts and Telegraphs, Surveys, and the Railways.

The Ministry's task of governing was embarrassed by a financial stringency which was aggravated by the disorders of the last year, by the continuance of post-war economic depression, and by the need to provide funds for the Ministry of Defence and for the Throne itself; nor, with a press and public outcry in Great Britain demanding ruthless economy in 'Iraq—or indeed outright evacuation from it—could funds be expected from that quarter. The new State started without debts, but with such liquid assets only as it could earn. The public services of Health, Education, Works, and the rest were confronted with unavoidable reductions at a

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

exhortations, refusals. By late afternoon there was no result, and Dobbs categorically refused a twenty-four hour postponement. Before midnight, however, the Prime Minister, Ja'far Pasha, succeeded in convening 69 out of the 100 delegates in the Assembly Hall. Thirty-seven votes for the unamended Treaty were in the end obtained, with 24 in opposition; the 8 abstentions were due, beyond doubt, to intimidation. Acceptance of the Treaty, even ratified in this sadly abnormal manner, was hedged with conditions which Ja'far Pasha found it necessary to specify—that the British Government should honour its reassurances by amending the Financial Agreement in 'Iraq's favour: that the King of 'Iraq should hasten to negotiate with the British Government to this end: and that the whole Treaty should be null and void 'if the British Government fail to safeguard the rights of 'Iraq in the Mosul wilaya in its entirety'.

The stormy days and nights of Treaty ratification were followed in 'Iraq at large by a period of relative peace; a peace in which every anti-Treaty or anti-British element remained dormant but alive. In the Assembly, a peaceful passage of the Organic and the Electoral Laws marked the jaded weariness of deputies.

The Organic Law, a reasonably adequate result of repeated redrafting, endowed 'Iraq with a semi-rigid Constitution which, proclaiming it 'a sovereign State, independent and free' with a constitutional hereditary monarchy and a representative Government, set forth the rights of the people and the Crown, the legislature and the ministers, established the Courts, and regulated financial and administrative responsibilities. The Electoral Law enfranchised every adult male tax-paying 'Iraqi, and provided for a procedure of primary and secondary election, whereby the secondary electors, one for every 250 primary, elected a deputy to represent every 20,000 voters. The deputy must belong to the same electoral circle, consisting of a group of liwās, as the voter. Separate representation was enjoyed by tribesmen and by the Christian and Jewish minority communities of the liwās of Baghdad, Baṣra, and Mosul.

The dissolution of the Constituent Assembly gave Ja'far Pasha the opportunity, which he had been seeking, to resign from the premiership. A new Cabinet was formed on 2 August under Yasin Pasha, to be confronted by pressing questions of the northern frontier and of financial stringency. 'Abd al-Muḥsin al-Sa'dun was called to the Ministry of the Interior, Sasun Ḥasqayl to Finance. To the Ministry of Justice came a young and clever, but unstable and hasty lawyer of good family, Rashid 'Āli al-Gaylani; and to that of Communications and Works an imposing and not incompetent younger member of the Pachachi house, Muzaḥim Bey.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

Najd oases and south-western 'Iraq began to move freely, and although the mixed Commission for which 'Iraq pressed was not established, the frontier authorities of both sides established friendly contacts.

7. LIFE AND GOVERNMENT, 1921–6

These first five years of the 'Iraq Kingdom built into reality a large measure of the dreams of the earlier nationalists: they saw erected an authentic fabric of 'Iraqi self-government, while steps were taken in every department of national life and government towards the establishment of a modern State. The services of the ablest 'Iraqis from every province were enlisted to the task. The beginnings of a sense of national self-consciousness, in loyalty to this Kingdom which was their own, were forthcoming from elements, albeit still minority elements, of tribe and countryside quite unaccustomed to such conceptions. Administrative ability, it appeared, was available and capable of improvement; and the practical help of 'Iraq's ally on every level, from League politics to a nahiya squabble, was ever at her service. The British part in the Administration, pronounced 'interference' or 'imperialism' by some of the press and resented at times by impatient 'Iraqi functionaries, was exercised with patient discretion by nineteen-twentieths of the British officials. With an occasional maladroitness, it was predominantly helpful and always disinterested; but, necessarily and desirably, it diminished as the years passed, as advisory and executive functions could be more clearly distinguished, and as districts or departments were seen to run successfully under all-'Iraqi Administration. 'Iraqi-British social relations grew into habitual cordiality, often into close friendship. The Turkish régime, four centuries long, faded into the past, and 'Iraq accustomed itself to a new cultural and political orientation, even while so many features of its old characteristic social and economic life endured.

There have been frequent references to the great constructive services of the King and of the High Commissioner. Both were served at this period by able and devoted staff officers: the King by Rustum Haydar, a cultured French-educated Syrian but adopted 'Iraqi, by Taḥsin Qadiri, and by others both loyal and competent in the Court service. The High Commissioners similarly were fortunate in their staffs; these included in this earliest period as Counsellors, C. C. Garbett, followed by B. H. Bourdillon: as Legal Secretary, Nigel Davidson: as Oriental Secretary, Miss Gertrude Bell,[1] whose sudden death in July 1926 was a tragic

[1] In the period 1925–32 Bourdillon was succeeded as Counsellor, in 1929, by Hubert Young: Davidson by Barclay Nihill: and Miss Bell by Vyvyan Holt.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

563 668 were postponed at the Mar Sham'un's request. The Northamptonshires returned to Egypt.

In partial compliance with requests in the petition, the 'Iraq Government set up a further land-finding committee. It discovered but little land both cultivable and available, but recommended expenditure on an irrigation scheme to produce more. The Cabinet accepted this report, which was sent to Geneva. The King visited 'Amadiya, talked at length with the Mar Sham'un, and used every means to win his confidence; but the young and intransigent Patriarch would commit himself to nothing in advance of the League's answer, and himself left for Switzerland. He was followed there by a counter-petition of those Assyrians whose original homes had been in Barwari Bala (that is, in present 'Iraq territory), expressing their complete satisfaction with present arrangements.

The final debates of the Permanent Mandates Commission and the League Council on the Assyrian issue, after rehearsing that community's well-known grievances and the desirability (but impossibility) of providing the homogeneous group-settlement which they demanded, could result in no more than hopes for the best. The gap between the full Millet autonomy demanded by the Mar Sham'un, and the favourable minority treatment available at best from the 'Iraq Government, was a wide one. The League Council formally rejected the Millet proposal, 'noted with satisfaction' the impending appointment of a foreign settlement expert, and left the subject with misgivings which were soon to be tragically justified.

5. GOVERNORS AND GOVERNED

642 647 In a community at 'Iraq's current stage of evolution the central Administration was both significant of and powerful in the society of the territory; and great and not unsuccessful efforts were made from 1925 to 1932 by the 'Iraqi and British elements alike to improve it. The reduction of the British part,[1] though accompanied by a variously assessed loss of efficiency and authority, was clearly necessary as part of 'Iraq's planned evolution; and it proceeded so far that the steps taken towards 'Iraqi administrative independence in these years left relatively little for the post-647 mandatory period. By 1932 further departments had been taken over by 'Iraqi directors—those of Revenue and State Domains

[1] The number of Administrative Inspectors fell from 24 in 1923 to 18 in 1925, 14 in 1930, 10 in 1933. The total of British officials of 'gazetted' status in 1920 was 364, in 1923: 181, in 1926: 148, in 1929: 130, in 1931: 118 (38 advisory, 80 executive). For British 'non-gazetted' staff the corresponding numbers were: for 1920: 484; for 1923: 361; for 1926: 52; for 1929: 34; for 1931: 28; for Indian officials, in 1920: 2,035, in 1923: 1,270, in 1926: 250, in 1929: 53, and in 1931: 36.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

VII

AL-ISTIQLAL AL-TAMM

1. ASSESSMENT IN 1932

PREVIOUS chapters have shown how great a distance 'Iraq had travelled by 1932 from its age-long status as a group of three remote and backward Turkish wilayas in northern Arabia. The moment of its completion of twelve years as a constitutional State since the first 'Iraq Government was set up, and its achievement of full independence, may not be ill chosen for an assessment of its accomplishment and its prospects as they then appeared.

A Kingdom of 'Iraq had been created, and was world-recognized. It had secured beyond future questioning its northern third—the Mosul wilaya—claimed with determination by others; it had fixed or was fixing its boundaries to east and west; it had gone far to establish with its neighbours firm and friendly relations, the perfecting of which should be no formidable task for succeeding years. Within 'Iraq, the nation enjoyed great and evident advantages. It had neither a menacing over-population like Egypt, nor an exiguous territory like the Lebanon, nor a mere handful of oases in vast deserts like Sa'udi Arabia. It had abundant space, great rivers, famous fertility, a healthy if severe climate, and the certainty of increasing population. Its people were in no way below the average of humanity in moral qualities, and above it in intelligence. The appreciation of possible progress and the desire for it were widespread. And in the matter of administration, whatever disobedience or local disloyalty might lurk within its borders, the Baghdad Government's claim to authority was disputed by no rival pretensions; its rule was effective in nearly the whole territory.

At this point, however, reflection suggests some qualification: the picture of peaceful unquestioned sway over all 'Iraq is too favourable. The areas of Arab steppe and Kurdish mountain in which the writ of Government scarcely ran can indeed be ignored: its power would doubtless extend into these with developed forces and communications, and with time. But much must be altered before the 'Iraqi public in the main areas of the country came to resemble, for better or worse, that of a modern nation in which Government could operate with beneficence, and which would both permit and appreciate such operation. Without insistence on a uniformity which could be valueless or deadening, the political health and administrative manageability of a nation are inconsistent with the presence either of enclaves of too deeply diverse cultures

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

tures; and the introduction of these, with the gradual rescue of agriculture from primitive method and low yield, was a certain feature of the future. 'Iraq's irrigation problems—flood-protection, conservation of dry-season water, distribution, drainage—had been partly solved at least on paper, and more than one important scheme was formulated in readiness for execution; smaller works had been carried out, others were imminent. The complex problem of stultifying and perverse forms of land tenure had been unravelled, the way was open for clearance and rebuilding, and Settlement Committees were already in the field. Mineral wealth had been sought—but found wanting, save in the vastly important presence of a single asset, petroleum. The development of this had begun well, its potentialities were unlimited, and its contribution to 'Iraq's finances could already be foreseen as essential to all its hopes. Industry, willingly fostered, had indeed lagged behind for lack of raw materials, markets, and aptitudes, but could be expected to find a modestly increasing place in 'Iraqi economy. Trade was at the level, and on the lines, indicated by tradition and by present needs, and had well survived a world-wide depression. The means of communication of every type had immensely developed in the last half-generation, and would certainly be improved to meet the needs of an expanding economy and social and international needs. At least the elements of well-conceived public services already existed, and if funds permitted would gradually increase the social area of their activity.

This security and these beneficent developments and social services had called and would call firstly for a reasonably efficient and comprehensive Administration, and secondly, for a sound and benevolent authority in the State itself, with a political life based on stable foundations. As to the first, the Administration which existed in 1932, while imperfect and in places rudimentary, not only was far superior to its Turkish predecessor, but seemed likely with time to shed the features which at present depressed it below the level of which the best 'Iraqi officials—keen, intelligent, honourable—were certainly capable. As to the second, the main bases of public life and legislation, there is more to be said.

'Iraq had adopted, as its form of government, representative parliamentary democracy. The choice could be criticized; but there had been no alternative. 'Iraq was no Najd, with full consent to a patriarchal tyranny: and no Persia or Turkey, which could throw up an efficient military dictator. It had as its only guide a political class which claimed to be liberal, wished to go on where the revolution of 1908 had left off, and was scornful of earlier forms; nor did it contain a personality capable of single rule, or a group capable of acceptable oligarchy. Neither to the British,

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 therefore, nor to any Western observer did it occur in 1920 not to install the forms of government both familiar at home and seemingly demanded in 'Iraq. Nevertheless, this most exacting of constitutional forms was now seen to be acclimatizing itself in 'Iraq with difficulty and with mixed immediate results. If it is true that the virtues of the system are everywhere appreciated, and no better alternative has been discovered by the modern world, yet, to be in fact representative and democratic, it demands certain conditions. 121 Did these exist in 'Iraq? There was, certainly, a long Arab tradi- 665 tion of tribesmen's democracy and easy access to rulers. Free 204 speech, a vigorous and copious press, busy parties, 'demonstrations' in every street and school: all these could be claimed as democratic features of Baghdad life. But with what truth? The press was ill informed, irresponsible, rabidly partisan, crudely xenophobe. The demonstrations were organized, easily and cheaply, at any politician's direction. The parties were, so far, mere cliques of personalities, without continuity or breadth of organization or any consistent policy unless that of mere Anglophobia. Freedom of speech was allowed to extreme, rarely to moderate, views; violence or boycott awaited the exponent of any policy, however wise or sincere, if it seemed to fail in nationalist fervour. It was indeed doubtful whether one educated 'Iraqi in a hundred conceived society on truly democratic lines or, given power, would have wished so to organize it. Their nature was individualistic and insubordinate, their tradition authoritarian, and the conditions in 641 their society inimical to democracy. The representatives in the 666 Chamber itself were in fact selected less by the votes of an instructed electorate, which did not exist, than by the nomination of the Cabinet in power; the list conveyed to the Mutaṣarrifs as that of Government-sponsored candidates was, with infrequent exceptions, that of the Deputies.

642 It resulted that in 1932 the Government of 'Iraq consisted of 662 a façade of democratic forms behind which, emerging from the stresses, strains, and violences of faction and egoism, operated the actual power of a small ruling class: a class which contained on the one hand more than enough figures capable of filling the ministerial posts available, but on the other too little variety of viewpoint to compete for power by the advocacy of genuinely alternative programmes. The result was an uneasy shuffle of offices, short-lived Cabinets with a brief innings for everybody, and the fortunes of Ministries dependent not on the attitude of representative Deputies capable of a gesture of dismissal, but on personal faction behind their backs. It was already clear that if ever the only authoritative hand not involved in these uneasy intrigues should be removed—that of the King—there would be opportunity, or almost inevita-

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

bility, for some other power to intervene with decision; a part which, in the event, was to be that of the Army.

It may be asked, would a frankly authoritarian government—dictatorship, acknowledged oligarchy or mere Arab patriarchy—have been preferable? It would in all likelihood have been still less acceptable to its public than the pseudo-democracy actually imposed; the procedures of democracy, however ill conducted, were at least educative and might later show a narrowing gulf between form and spirit. Even a semi-nominated Chamber contained enough of intelligence, experience, and public spirit to be a valuable deliberative and critical body; politics and press at least provided an arena of action for the intelligentsia, whose suppression would be dangerous as well as improper. The only alternative to 'democracy' might well prove to be a tyranny oppressive within and, by its probable international adhesions, dangerous without. 'Iraqi political history for the ten years following its achievement of independence was to be one of the alternation in short cycles of the imposition and the relaxation of authority: the former accompanied by protests and violent intrigues against 'slavery', the latter always abused by licence turning to anarchy.

There was reference above to a ruling class. In fact, claimants to leadership were more than one, and their claims if permitted could be scarcely consistent with a democratic régime. In tribal society the position of the shaykhs, with all their intestine rivalries and schisms, was still unchallenged though no longer State-sponsored. Among the Shi'i population, and especially among the tribes of the Euphrates, the influence of the 'Ulamā was still considerable and rarely exercised in the direction favoured by Government. Officialdom, an alternative source of leadership and itself a main social element, was now broadened by full admission of the Shi'is, and its standard of education, conduct, and efficiency had risen markedly since Turkish times; but nothing in its position or allegiances could lead it to a sense of solidarity with the masses. The same is true of the non-official part of that important middle class whose upper edges touched the ministerial, the lower the proletariat class, and which included the lawyers, students, journalists, doctors, superior shop-keepers, commercial employees, higher technicians, middlemen, and ex-officers. Extending from bare literacy to some learned pretensions, the class was self-conscious as the evolved and progressive element in their country; but it was frustrated by lack of active outlets in public life and especially by failure to break into the ruling circle. From it were arising, already before 1932, the new politicians and publicists. Not without quick intelligence and shrewdness, and often effective

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

secondary boarding school on European lines was founded in Baghdad in 1941, the King Faysal College. Mosul Technical School was reopened in 1942, and another in Kirkuk in 1945. The Queen 'Aliya Institute for the higher training of women teachers was founded in 1945, and a higher Engineering College in 1942; but a College for Physical Education, opened in the latter year, survived only four years. The Institute of Fine Arts, with separate faculties of Music, Painting, Sculpture, and Dramatic Art, was founded in 1941. Professor H. R. Hamley served as Adviser to the Ministry of Education—the first after a lapse of ten years—in 1942–3, K. J. Ritchie in 1944–5, and C. H. Scaife of Cairo University thereafter for two years. The Department of Antiquities was fully active; it carried out excavation at Tall 'Uqayr, fifty miles south of Baghdad, in 1940–1: at Dayr on the Yusifiya Canal in 1941; at the 'Aqar Quf in 1942–4; at Tall Ḥasuna near Mosul in 1943–4: at Ḥira near Kufa and Tall Harmal near Baghdad in 1945. The greatest part of these works was carried out by 'Iraqi scholars, who had acquired high qualifications.

The Administration itself, gravely shaken by the events of 1941 and the strains which followed, and confronted with new tasks and new temptations, lapsed perceptibly both in efficiency and integrity. Neither ministerial unity nor the administrative grasp required to correct this weakness was forthcoming, and resulting conditions led to renewed complaints against 'the old gang' by critics who pressed for the infusion of new blood into the Cabinet, preferably their own. The middle and later periods of the war gave, indeed, no scope for military coups, the incitement of tribesmen, or inspired strikes; but they permitted all too much of the personal intrigues, the intemperate mutual criticism, and the irritated frustrations of normal times.

The inspiring war news from Libya and Tunis in the winter of 1942–3 was greeted by public holidays and the renaming of streets, and extinguished the lingering hopes of Nazi sympathizers: hopes which the capture in July of three German officers, dropped near Mosul by parachute with a Kurdish guide, did nothing to restore. The improved atmosphere led to a turn of ministerial policy towards increased indulgence to the internees of the 'Amara camp and Rhodesia; the resulting releases, considered sadly premature by the British Embassy, were followed by the reinstatement in public functions of men known for violent anti-British and anti-Hashimite sympathies.

Useful non-political work had been done meanwhile by a Committee of Senators and Jurists, with Drower and Edmonds as advisers, on an amendment to the Constitution designed to correct some evident present inadequacies. The Committee met early in

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 1943 and the draft law resulting from their efforts was passed by the deputies and Senate in May and June. Requiring, under the Constitution, ratification by a new Parliament, it was accordingly re-presented to and passed by the Chamber which after general elections—the first since 1939—met on 9 October. The amendment provided that, for the succession to the Throne in the absence of an heir apparent, a male heir presumptive from the family of the late King Ḥusayn—in this case the Regent himself—should be nominated. The prerogative of the King was increased by empowering him to dismiss a Prime Minister, a provision the previous lack of which had led repeatedly to violent and illegal changes of Government. The number of Cabinet Ministers could be increased without limit, and could include a Deputy Premier and ministers without portfolio; but it could not be less than seven. Senators ceased to be limited to twenty, but were not to exceed a quarter of the deputies. Parliament was deprived of the power to pardon persons convicted of crimes against the State. Meetings of the Chamber could be held, if need be, outside the capital—a clear echo of the Regent's sojourn in Diwaniya and Baṣra in 1941. Finally, it provided that constitutional practices current in other countries, could, if not contrary to the Constitution, be adopted by resolution of both Chambers.

*645 The general election of mid-1943, which followed the dissolution of the Chamber in June, had been preceded by yet another reconstruction of the Cabinet. Ṣaliḥ Jabr moved to Interior, Taḥsin al-'Askari to Works; the Ministers of Economics and Social Affairs, al-Uzri and al-Barrak, were unchanged; Aḥmad Mukhtar Baban came to Justice, vacated by Da'ud al-Ḥaydari. The able lawyer Naṣrat al-Farsi was appointed to Foreign Affairs, 'Abd al-Ilah Ḥafidh to Education, and Jalal Baban to Finance. Taḥsin 'Ali went to the Royal Diwan. But the reformed Cabinet was from the first uneasy; with the heat of summer, the frequent absences of the Prime Minister in Syria and Egypt, and a Palace attitude of little confidence, it could do little. It was further weakened in September by disagreements both among ministers themselves and between the Premier and the Regent as to the personnel of the new Parliament, in whose selection the executive was to play, as usual, a major part. The first week of October witnessed the resignation of Naṣrat, whose portfolio was assumed temporarily by al-'Askari: of Ṣaliḥ Jabr, who was replaced by a competent Mutaṣarrif, Abdullah al-Qaṣṣab, nephew of 'Abd al-'Aziz Qaṣṣab; and of Jalal Baban,
646 whose duties fell to 'Abd al-Ila Ḥafidh. The new Chamber contained sixty-five of the former deputies, some of doubtful quality but none notably Anglophobe; fifty-one of its members had in April 1941 voted, under whatever pressures, for the deposition of

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

to join with Pakistan and the Sa'dabad Powers in an Eastern bloc securely Islamic and free from all Western exigencies and 'imperialism'. It could not but seem clear to contemporary observers that 'Iraqi thinking on these matters lacked realism, and that in its bewildered hesitations, its willing involvement of foreign policy with domestic factions, its patent inability to stand alone against the dangers of the time, it was typical of small nations who cried indignantly for a 'complete independence' which, in the modern world, could exist only on most precarious sufferance, unless firmly allied to the defending power of stronger friends.

In internal administration, whereas the Turkish Government had exercised rarely more than a partial control never at one time operative over the whole country, and the 'Iraq Government in its earlier years could claim a wider but still not truly pervasive authority, in 1950 no surviving enclaves of non-government remained in desert or marsh or mountain. From Mudir to minister, from clerk to Director-General, the administration as an operating and governing machine could by that date face comparison with that of any comparable country, and might be thought superior to those of many longer-established nations. The period from 1930 to 1950 had done less than might have been feared to weaken or corrupt it, and had been survived with a lowering of standards which though considerable was not disastrous. If it had benefited from its three years of British rule and twelve more of discreet tutelage, yet it derived its merits primarily from the qualities of its own personnel: qualities which, common as it was for visitors and many 'Iraqis to deride them, were most appreciated by those who knew them best. The faults endemic in all bureaucracies, the relative newness of the machine, the discontinuity of its guiding Ministries, the paucity of experienced high executives, and occasional moral lapses: all these together failed to outweigh the good intentions, the intelligence and the honesty of the majority of civil servants. And the machine itself, the interrelation and subdivision of its parts, the control of departments and their relation to the district Governors, and of the latter to their Ministries and publics: all these had, after a mere thirty years, reached a state of tolerable efficiency adapted, as the Turkish régime never was, to the conditions of the territory.

With 'Iraq's remarkable natural advantages and resources, coming at last within sight of full development: with its benevolent and generally popular monarchy vested in an ancient royal house and its not inadequate governmental machine: and with the efforts of its society to evolve on modern lines by manifold borrowing from Western thought and method as well as technology, there was, indeed, a fair measure of hope for a stable as well as a pros-

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

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perous future. To those who contrasted the space, life, wealth, and potentiality of the country with the misfortunes of some of its neighbours—the stark economic misery of Israel, the tragic self-destruction of Persia, the brief dictatorships of Syria, the corrupting wealth and now failing ruler of Sa'udi Arabia, the menace of over-population and the mob-brutality of Egypt—it seemed indeed that 'Iraq, its troubles in part surmounted, was well set in the way of security and advance. It could by an optimistic prophet be foreseen that, given a few years of tranquillity, a measure of harmony, and no unforeseen blows of fortune—in fact 'if all went well', as an earlier Treaty had stipulated—the nation would take without rival the lead among the Arab countries, and a respectable place in the wider international world.

But there was an alternative and less pleasing probability. It was, that the instability of which the last twenty years had given almost continuous illustration, might not after all be surmounted, but would continue to pervade the structure of 'Iraqi nationhood and prove the ruin of its people. In an age when Government can be seized and held by a dominant armed minority, it is the more necessary for a 'democratic' régime to base itself firmly upon a loyal and politically integrated public. In 'Iraq this had not been done: the merits of its Administration, and even the good intentions of much of its ruling and political class, could not, it was felt by the less hopeful observers, secure it from pervasive instability.

The phenomena of political life which seemed likely for many years to come to preclude the hope of a genuine democracy, have been elsewhere mentioned (p. 224) as prevailing in 1932; they prevailed scarcely less in 1950. The deputies were inadequately representative of the electorate, while the Ministry itself could and did ignore the deputies. The Cabinet, whose members were chosen by the Prime Minister and the Regent on lines of personal acceptability, was indeed normally a body of capable and eminent men; but it represented neither a parliamentary majority nor a stable body of principles, and the forty-seven Ministries for which the first thirty years of constitutional life had found room had fallen always by reason of internal quarrels, deadlock, or royal disfavour, never through organized public or parliamentary withdrawal of support. This was not parliamentary democracy, but Cabinet Government. The Chamber of Deputies was itself a body competent in debate, and full of experienced and intelligent members[1] but it was concerned to excess with factious controversy and, as regarded the majority of 'independent' deputies, was accustomed to conform to the wishes of the Government of the

[1] All Jewish deputies and senators had resigned by 1950: a Governmental Committee was early in 1952 considering their future representation, if any.

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 day. It did not regard itself as the battleground of rival policies, nor, as under the Constitution it should be, as the arbiter of Ministries which, on the contrary, enjoyed an almost independent existence. At the same time by their manner of two-stage Government-controlled election, and by the wide gulf between most of the deputies and their constituents, the activity of the former was almost independent of the electorate: a position reflecting not so much defects in the Constitution as the backwardness of an illiterate electorate capable neither of exercising an enlightened free choice in selecting its spokesmen, nor of controlling them when selected. And even should the political parties occupy the Mutaṣarrif's place as the effective selectors of deputies, and electoral processes be basically altered (as opposition parties ceased not to demand), this situation in its essentials must still subsist for many years.

645 The working of parliamentary democracy which had been imposed on 'Iraq in its political infancy has seemed everywhere to demand responsible parties to represent rival policies and therewith to contend for power. But these in 'Iraq, in a form adequate to their task, did not exist. These pages have indeed made many references to the parties which, after some years' intermission, came into existence in 1946 or thereafter. They were, by 1951, responsible for the greatest part of specifically political activity in the country, and their scale and perhaps their permanence had to some degree increased by comparison with their predecessors of a generation earlier. The parties active at the mid-century, if we ignore the illegal Communist Party still working in the shadows, were five in number. One[1] of these, a party in little more than name, seemed to stand less for a policy or principle than for the personalities and hopes of a miscellaneous group of ex-ministers not unwilling to reappear in office. Two[2] of the parties, appealing to the more progressive elements in urban educated or intelligentsia circles, advocated rapid advance along many lines, with emphasis as ever on complete independence, neutrality, and social and cultural reform; they had a militant and indeed an over-violent press, and were able at times to arouse, but not to control, the emotion of the mob; but they had no considerable support from the mass of citizens. The two remaining parties were those of Nuri Sa'id (p. 355) and of Ṣaliḥ Jabr (p. 363), both standing for a mixed and various body of the possessing and substantially satisfied classes including notables, landowners, shaykhs, and their respec-

[1] The United Popular Front of Ṭaha al-Hashimi (pp. 364 and 389). It showed, late in 1951, signs of disintegration.

[2] The National Democratic Party of Kamil al-Chadirchi and the Independence Party of Muḥammad Mahdi Kubba and Fa'iq Samarrā'i (pp. 335 and 336).

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

tive followings. Both, while moderately reformist and relatively responsible, were founded less on a body of agreed principles than on the personalities of their leaders, on their hopes of freedom from disturbance and on a natural fear of sudden and unpredictable changes. The official programmes of all the parties were of remarkable similarity; the blending of ambition and personal self-seeking with idealism and high principle was perhaps not greatly different in each; some had few, some had no provincial branches, though the two last mentioned were by far the widest in extent of support; all recited the greatest blessings which, in the whole field of national life, they would desire for their people, and stated these to be their programme. Party bitterness was nourished chiefly by the impatient resentment of the Independents and the National Democrats at the continued dominance of the satisfied property-owning and power-possessing strata of politics, with their penchant for the West and Great Britain, their restrictions on the press, their control (through the executive) of elections, and their irritating failure to produce the millennium forthwith. Between the moral level and the patriotic sincerity of all parties there was probably little to choose. Most leaders and writers were both less violent and more persuasive when in private conversation they substituted reasonable grievances and much social charm for the meaningless and often crudely false rhetoric of their speeches or leading articles. Nuri Pasha remained the only statesman of international stature, and one of the very few to have profited from a full generation of realistic experience at home and abroad.

In the probable absence for many years of political parties based on genuinely differing yet practicable programmes, and on country-wide organizations making them reasonably representative of the electorate, it was difficult in 1950 not to anticipate that Cabinet Government would long continue, and with it the rootless precariousness of a régime which seemingly at any time a successful intrigue, or a military coup d'état of too familiar a pattern, could subvert.

Constitutional or political weaknesses apart, there were, it appeared, other factors present which must preclude easy optimism as to that sole condition for the fulfilment of all the country's hopes —the stability and continuity of its Government. The first of these factors was the unchanged Arab character which, with all its charm, intelligence, and responsive sympathy, is by its impatience and its rejection of give-and-take peculiarly ill adapted to the stresses, the restraints, and the needed compromises of modern politics and Government. The second was the nature of local nationalism which, violent and narrow, suspicious and over-sensitive, self-praising and unrealistic, had lost nothing of the

1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

642 186 character described on an earlier page (p. 227). Claimed as the chief of virtues, it remained, at its worst, damaging to confidence and progress, conducive to ill relations with 'Iraq's best foreign well-wishers, and more apt to involve the country in the disasters of other States than to benefit its own poor and backward masses.

642 182 648* The third factor was the heterogeneity of the public, with its widely varying levels of evolution, its regional loyalties, and its strong sectional pressures—Shi'i or Kurdish, landowning or 'intellectual'. A fourth was the disruptive or distracting effect of recent blows (due to no fault of the 'Iraqis) which had fallen untimely on a State and society still politically rootless and immature: the loss of Faysal I, the powerful irritants of the brief Nazi empire and of the Palestine Question, the rancours and cleavages of the Second World War; these were unmerited trials to a young State, and had gravely unsettled it.

172 182 Behind all these forces could be felt the spiritual uncertainties and vacua of a people still culturally and intellectually unsure as between Eastern and Western values, between tradition and innovation, Islam and atheism. They were the more distressing, and the more dangerous, at a time of bewildering international menace in which far older and greater Powers felt scarcely surer how to conduct their affairs. 'Iraq was suffering from the malaise, frustrations, and fears of a period of rapid dangerous transition, in which it was all the harder to find its paramount requirement, 000 tranquillity. In so far as the nation's own conduct could conduce to this, it was to be sought by processes and qualities easy to describe, difficult but not impossible to realize—the gradual and organic strengthening of its institutions, the increasing enlightenment and coalescence of its public, the uplifting of the living-standards of the poor, loyalty and restraint in its armed forces, the conduct of its foreign and especially its domestic policies with reason, integrity, and continuity. By such means the 'Iraq people might by their own efforts achieve such fortune and happiness as human limitations and the conditions of a disordered world, of which they were inescapably members, might allow.

3: Clark S-5 (1950)1951 MH1 Iraq MH1

CHAPTER ONE

THE BACKGROUND

THE COUNTRY AND THE PEOPLE

An appreciation of the present state of education in Iraq and the possibility of advance towards the goal of compulsory education is not possible without some reference to the history and present circumstances of the country.

Following centuries during which a brilliant civilization flourished, particularly during the Abbasid period, the country remained under Ottoman domination from the middle of the sixteenth century until the first world war. British interest in the port of Basra and the development of the oilfields caused the people to fear a continuance of alien domination but, after an uneasy mandate, the country now known as Iraq emerged in 1932 as an independent nation with membership of the League of Nations. The long period of Ottoman domination with an administration centred in a distant capital left its mark. Administrative reforms and some social advance were attempted during the period of the mandate. When, however, Iraq became an independent State its Government was faced with a legacy of ignorance, poverty and disease among all but a very small minority of the population. Attempts have been made by successive Governments to liquidate the effects of this legacy and, in certain directions, rapid and significant progress has been made. But economic, social and political problems of great magnitude remain, all of which have their effect on educational progress or retardation.

Under its constitution the country enjoys a democratic form of government with a limited monarchy and a cabinet responsible to parliament. Despite the rapid educational advance of recent years, the majority of the people are illiterate, and effective participation in the government of the country must inevitably be confined to a few.

Iraq covers some 175,000 square miles, mainly of alluvial plain stretching from the Persian Gulf through the central uplands to the mountains of Turkish Kurdistan and from the Arabian and Syrian deserts to Persia. Apart from the four principal towns of Baghdad, Basra, Mosul and Kirkuk, together with a number of

3: Clark S-5 (1950) 1951 MH1 Iraq MH1

of modern pump irrigation, both landowners and urban speculators were able as pump providers to secure further advantages over the small peasant cultivator. The outcome of this combination of cupidity and circumstance is such that an experienced investigator into the land problems of the Near and Middle East maintains that 'the bulk of the land has come into the hands of a class from whom no leadership in agricultural methods can be expected and which is tyrannous, callous and oppressive'. This generalization is, however, not entirely just, for a minority of the landowners appear to take a greater interest in the welfare of their tenants than might be assumed. But, with few exceptions, the share-cropping peasant cultivator of Iraq lives a hard life of poverty which is only mitigated by ignorance of better conditions.

It is necessary that this problem of land tenure and its effects on the economic and social life of the country should be fully appreciated, and this for three vital reasons.

Firstly, the land is the main source of the future wealth of Iraq, and consequently of revenue for educational and other social purposes. There are, of course, those other possible sources of increased revenue indicated earlier in this chapter and, as will be suggested later, it is to be expected that the steadily increasing royalties from oil exploitation will contribute to the country's resources for social progress. But it must be reiterated that the most important source of national wealth in Iraq is the land.

Secondly, although improved methods of agriculture and of the organization of rural life are badly needed, these are hardly likely to be promoted by landowners who are interested in the *status quo*.

The agricultural productivity of 'the land between the two rivers', once renowned for its robust fertility and abundant crops, has fallen to an extraordinarily low level. The superficial causes of this lamentable state of affairs are primitive methods of husbandry, the lack of application of power and science to the land, insufficiency of irrigational facilities and the misuse of those that exist. Until improved methods of cultivation, stock rearing, harvesting and marketing, accompanied by a sound system of agricultural education both in the schools and at the adult level are applied, there can be little prospect of the land of Iraq being that rich source of wealth through which the people may live more abundantly. These improvements, however, are not likely to materialize under the existing land tenure system.

Thirdly, there can be little expectation that Iraq, constitutionally a democratic country, will develop effective democratic institutions, both centrally and locally, so long as the standards of the bulk of the population remain at so low a level.

3: Clark S-5 (1950)1951 MH1 Iraq MH1

ECONOMIC, POLITICAL AND SOCIAL FACTORS

POLITICAL AND ADMINISTRATIVE FACTORS

Although the main obstacle to further educational development in Iraq is that of finance, and although it is difficult to see how sufficient money will be forthcoming for this and other social purposes until fiscal and land reforms are undertaken, there exist other obstacles to educational progress which are more of a political and administrative nature. 871

Lack of Continuity in Educational Policy. An undoubted obstacle to the pursuance of a consistent and steady development in the direction of compulsory education is a lack of continuity and positive direction in educational policy. This seems to have obtained for a long time. It is a somewhat delicate matter to discuss but, looking back over the history of educational administration since the formation of the first Iraqi Government, one is confronted with very frequent changes of Minister of Education, less frequent but still too frequent changes both of officials and in the organization of the Ministry of Education, and lack of consistency in policy with constantly fluctuating emphasis on this or that aspect of educational development. One type of school or administration may be here one year and gone the next. This is particularly true of devices for the training of rural teachers; institutions have been started and then discarded before an evaluation of their real usefulness has been possible. 871 645

These changes of policy and of personnel have been due to both political and sectarian factors which it is not possible fully to discuss in this investigation, but of which those concerned with them or affected by them are only too well aware.

Circumstances of this kind tend to produce even in the best officials and educators a sense of frustration. They also make it extremely difficult for the most able Minister of Education to promote a well-founded policy with any assurance that it will be carried out by his successors.

The Problem of the Administration of Education. Administration of the public services in Iraq is generally characterized by its high degree of centralization. This was perhaps inevitable when Iraq as an independent nation was still young and had neither the time nor the resources to work out new arrangements whereby the localities might participate more in the business of government. Further, a somewhat 'tight' central administration was part of the process of ensuring national unity. [648]

Educational administration provides no exception to this practice of centralization. Curricula are laid down by the Ministry of

6: Ireland MH1 Iraq MH1

● 642

/For the development of Iraqi participation in government of Iraq after the First World War, see category 116, pp. 277-302. For the development of Iraqi administration and the drafting of a constitution for Iraq, see pp. 362-392./

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the complete and definitive liberation of the peoples so long oppressed by the Turks and the establishment of national Governments and Administrations drawing their authority from the initiative and free choice of indigenous populations.

In order to give effect to these intentions France and Great Britain are agreed to encourage and assist the establishment of indigenous Governments and Administrations in Syria and Mesopotamia, which have already in fact been liberated by the Allies, and in countries whose liberation they are endeavouring to effect, and to recognize the latter as soon as they shall be effectively established. Far from wishing to impose any particular institution on these lands, they have no other care but to assure by their support and effective aid the normal working of the Governments and Administrations, which they shall have adopted of their free will. To ensure impartial and equal justice, to facilitate economic development by evoking and encouraging indigenous initiative, to foster the spread of education and to put an end to the divisions too long exploited by Turkish policy — such is the rôle which the two allied Governments assume in the liberated territories.

APPENDIX V

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TENTATIVE DRAFT OF ARAB INSTITUTIONS[1]

Central Government

Arab Ministers with English Advisers.

Say: For Interior, Finance, Justice, Education, Public Works, Commerce or Agriculture(?), Waqf(?).

Council of Ministers

Consisting of Arab Ministers and Advisers.

To be the Supreme Legislative body for the whole country.

No elected legislative body at present.

Local Government

English Commissioners — Arab Deputy Commissioners or vice versa.

[1] Memorandum by Sir Edgar Bonham-Carter, Baghdad, 1919.

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APPENDICES

Provincial Council

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General powers of legislation; exception of subjects reserved for Council of Ministers, e.g., cf. laws relating to India Local Councils.

All local laws to be submitted to this body, but Commissioners to have power not to accept their amendments or to issue law not withstanding their rejection.

I see no reason why this body should not be elected, special plans to be made for initial representation.

APPENDIX VI

INSTRUCTIONS FOR THE COUNCIL OF STATE[1]

I. The Council of State should realize that at any rate until the convening of a National Assembly for the purpose of deciding the future Constitution of 'Iraq, I, as High Commissioner, am personally and directly responsible to His Majesty's Government for the administration of the country. Accordingly, in the event of difference of opinion between myself and the Council of State in reference to matters under disposal, the final decision will rest with me.

II. In view of the fact that the elections for an Assembly and its convocation must necessarily take some time, I have decided upon taking preparatory measures for the conduct of the actual administration (with the exception of such questions as concern foreign policy and military considerations) under my supervision by the formation of a Council of State under the presidency of His Highness the Naqib as President. Such Council shall consist of Ministers, some of whom will preside over the various Departments of State, while the others will be Members of Council without portfolio.

III. The Head of each State Department will be the Minister in charge of it and the administration of such Department will vest in him subject —

(*a*) To the control of the Council over the action of the Ministers.

[1] *Note on the Establishment of a Council of State for 'Iraq*, India Office, B. 363, November 30th, 1920, pp. 4-5.

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(b) To the hearing of the views expressed by the British officers selected by me as Advisers to the several Departments.

As regards the functions of these Advisers, they are to be not executive but advisory, but I trust that the Council and the members in charge of Departments will realize that the officers whom I select for the post of Adviser, having been so selected owing to their long experience of the working of the administration and their knowledge of the conduct of the departments attached to the said Ministries, it is necessary both that attention should be paid to their views and that the latter should be taken into careful consideration.

(c) To the fact that in the last resort supreme control will vest in my own person.

IV. It seems to me that the best method of conducting the affairs of the Departments of State will be by the reference of all matters concerning a particular Ministry to its Minister through his Adviser, and it will be incumbent on the latter to refer communications and papers received to his Minister without delay, in order that the Minister may be able to take action for the disposal of the matter after consulting the Adviser. Similarly, if a Minister desires to initiate action in regard to any matter concerning his Ministry, it is necessary either that he should call his Adviser into consultation in the first instance or that he should send his orders to the Department concerned through the Adviser so that the latter may be able to put forward his views before the matter takes final shape.

V. Such being the position, it is necessary to make provision for the contingency of a difference of opinion on any matter between the Minister and his Adviser, thus:

(a) If in any case the Adviser tenders advice to his Minister and the latter feels unable to accept such advice, the Minister should call the Adviser into consultation. If they are unable to arrive at an agreement after discussion of the matter, and if the Adviser considers the matter of sufficient importance to be pursued further, he will have the right to ask the Minister to refer the matter to the Council of State for consideration. It will then be incumbent on the Minister to suspend action on the matter until the next meeting of the Council, when the subject will be brought before it.

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(*b*) In the interval which occurs while the matter is being referred to the Council the Minister and Adviser have full discretion to refer the matter to me as High Commissioner. I shall thus have an opportunity of conveying my views to the Council of State without the least prejudice to the procedure provided for in Article x of this programme.

VI. As regards the Council, it is necessary that it should hold regular meetings at least once a week or even more, as may be necessary.

VII. To facilitate the business of efficient administration the Council requires a competent Secretary and a clerical staff, for the appointment of whom steps should be taken without delay.

VIII. All business to be brought before the Council meeting for discussion should be intimated by the Minister concerned to the Secretary of the Council, who will prepare a list of agenda for each meeting in time for circulation —

(*a*) To the High Commissioner,

(*b*) To all Ministers and Advisers,

at least twenty-four hours before the time fixed for the meeting. As a general rule no question not included on the agenda paper should be discussed at such meeting. At any rate, no formal resolution should be taken on it, except in the case of any matter of great urgency the prompt disposal of which is essential.

IX. The Secretary will attend all meetings of the Cabinet and will prepare a record of the proceedings of such meetings in the form of a list and statement of matters in respect of which resolutions have been passed. These lists will be circulated within twenty-four hours of such meeting under the Secretary's signature —

(*a*) To the High Commissioner.

(*b*) To all Ministers and Advisers.

Each Minister will be responsible to give effect to resolutions of the Council affecting it and to report such action to the Secretary for the information of the Council at subsequent meetings. In accordance with the usual practice the deliberations of the Council are to be considered confidential and it is not permitted to disclose them outside the Council.

X. All resolutions of the Council will be final, subject to their

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642 confirmation by myself as Head of the Government. I must also reserve for myself the right inherent in me as High Commissioner to veto or modify on grounds of expediency any resolution passed by the Council.

XI. In order that the Council may be kept informed of all matters appertaining to the subjects included in the agenda, the presence of the Adviser will be necessary at the meetings of the Council while any matter affecting the Ministry to which he belongs is under discussion. He will have the right in the course of the proceedings to tender his advice regarding the matter under consideration, but he will not take part in the recording of votes.

XII. It is my confident hope that the instructions above set forth in regard to the working of the Council of State and the several Ministries and their relations with myself on the one hand and with the Advisers on the other will conduce to the smooth progress of the administrative machinery at Headquarters.
As regards the central departments at present engaged in the work of administration, in view of the fact that for several years past they have been working smoothly, the attachment of them to the new scheme of Government, after the necessary adjustments, should offer no serious difficulty. As regards the administration of the provinces, it is probable that we shall be confronted with a good many difficulties — but In'Shallah they will admit of solution.

XIII. As you all know, the administration of the various districts and sub-districts of 'Iraq is still, as it has been for some time past, conducted by an organization of British Political Officers, with suitable local personnel in minor administrative posts as D.A.P.O.s and Mudirs, etc.; some districts are still in a disturbed state and British troops are still present therein; consequently in such places it is difficult to make the change from British to indigenous personnel in the immediate circumstances; on the other hand, there are districts in which it is possible to take the necessary steps in the desired direction as soon as competent personnel is forthcoming.

XIV. And whereas it is among the duties of the Council of State to devise administrative measures to promote the speedy pacification of the provinces, the said Council should give their early attention to the selection of experienced and suitable candidates from indigen-

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ous elements of the population for appointment by degrees to those posts where such appointment is expedient. Having done so, they should formulate their proposals with the names of candidates recommended in each case for my consideration and orders.

APPENDIX VII

SPEECHES MADE BY AMĪR FAISAL

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(Excerpts from, after his arrival in Baghdad, 1921)[1]

(i) *Speech of Amīr Faisal to the Mōsul Delegation*

'I say to you that the British Government is taking a wise line and fully intends to fulfil the promises made to my father in order to make the Arab Nation a true ally in the Middle East. The painful events which took place between me and the French have forced me to persevere in my efforts in the cause for which we arose in some other Arab country. Whereas 'Iraq is of importance to us as well as to the Arabs, my father delegated me in accordance with the wishes of 'Iraqīs to perform this duty. I assure you that 'Iraq will remain independent with a constitutional government, free from all errors. Very shortly the national congress will be summoned and will introduce the constitutional law of this new Kingdom. I add, that in accordance with Mr. Churchill's declaration, 'Iraq will be an independent ally of Great Britain.'

(ii) *Speech at a Dinner given by Amīr Faisal to the Ministers and Notables of Baghdad, 16 July*[2]

'I assure you that the British Government has determined to assist the inhabitants to establish an Independent Constitutional Government, thus fulfilling the promise made to my father.

'Moreover, the British Government has declared its readiness to help you as a friend to a friend in accordance with its historical tradition. . . . I am certain that when the permanent government is established and the Congress held, that it will look on this matter as I do and that we will be able to establish friendship between Great

[1] *Al-'Iraq*, July 7th, 1921. [2] *Lisān al-'Arab*, July 18th, 1921.

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161 taken, in 1947, gave the total population as 4,799,500; before that there were periodical official estimates as follows:

1930	2,824,000
1935	3,560,000
1943	3,995,000

The present population is probably about 5 million. According to the census, Baghdad has a population of 364,000, Mosul 302,000, Basra 94,000, and Kirkuk 69,000, Hilla being the only other town of over 50,000 inhabitants. Significant figures for density of population could be determined only after defining habitable land and distinguishing rural populations; the accepted density figure for the country as a whole (27·4 per square mile) means little. In the total cultivable area as calculated by an English authority the average density is 102 per square mile, but in many areas the density is much more than this for the rural population alone, and in the Baghdad and Basra districts exceeds 300 and 800 respectively per square mile.

163 165 164 *Vital Statistics.* For a number of reasons, which include the inaccessibility of large areas of Iraq and the lack of doctors in the rural districts, vital statistics are not available for the country as a whole. Statistics of possibly fair accuracy are, however, published for the population of some 1,160,000 served by the health centres in the main cities of Baghdad, Basra, and Mosul; the latest, compiled for 1950, show a birth-rate of 27 and a death-rate of 12 per 1,000, with an infant mortality figure of 97 per 1,000 live births. The main causes of death were stated as old age, respiratory diseases other than tuberculosis, malaria, heart diseases, and tuberculosis.

197 *Language.* Arabic is the official and most widely spoken language. The 800,000 odd Kurds speak an Iranian language in various forms. Turkish dialects are spoken in Irbil, Kirkuk, to some extent in Khanaqin and in smaller intervening towns, and Syriac by Christian communities in northern Iraq. Other minority languages, such as Armenian, also occur, while in the Holy Cities of the south (Kerbela and Najaf) Persian is widely spoken.

Religions[1]

642 The constitution declares Islam to be the official religion of the state, but guarantees complete freedom of conscience and worship in conformity with accepted customs subject only to the maintenance of public order and morality, declares the absolute equality of all Iraqis before the law, gives communities

[1] See above, p. 51ff.

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the right to establish and maintain schools for the instruction of their members in their own languages, and provides that government appointments shall be made without discrimination in accordance with capacity. Parliament must, by law, contain six Christian deputies; the provision for a similar number of Jewish deputies was cancelled after the emigration of 1951–2 had left the Jewish community insufficient members to qualify for representation.

It is absolutely impossible to reckon with any accuracy the strength of the various religious communities. At a very rough approximation the Muslims might be estimated at 4¾ million, Christians at 150,000, Jews (since the emigration of some 130,000) at something less than 10,000, and other groups at 50,000.

(*a*) *Islam*

The Sunni and Shii sects are suspicious and intolerant of each other, as are also the Arab and Kurdish members of the Sunni group. Statistics are lacking, but it would appear that the Shiis slightly outnumber the Sunni Arabs and are less than Sunni Arabs and Kurds combined.

The Sunnis live mainly in the north of Iraq and in the *liwas* of Baghdad, Diala, and Dulaim. There is one notable Sunni shrine in the country, that of Shaikh Abdul-Qadir al-Gailani, whose mosque and tomb in Baghdad are a centre of pilgrimage from regions as remote as India.

The Shiis form a majority in the central *liwas* of Kut, Diwaniya, Kerbela, and Hilla and in the southern *liwas* of Basra, Amara, and Muntafiq. Their religious life has as its background the four Holy Cities of Kerbela, Najaf, Kadhimain, and Samarra and their shrines. Najaf is the burial place of Ali, the first Imam; Kerbela of Hussain, the third Imam. Thousands of Shiis from Persia, Afghanistan, and India take part in the traditional pilgrimages to the Holy Cities, where, during the first ten days of the religious month of Muharram, is enacted the famous Passion Play commemorating the death of Hussain ibn Ali at the battle of Kerbela in A.D. 680. The Shii Mujtahids exercise not only religious but at times also political influence, as was demonstrated in the tribal insurrection of 1920 and on numerous subsequent occasions. The Shiis are rectifying their exclusion under Ottoman rule from political and administrative power and their non-participation in advanced education; some recent Cabinets have contained more than four Shiis, and in 1953–4 there was a Shii Prime Minister.

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175 fluence under Arab rule, the zone between this area and the province of Mosul; the latter was to fall in the French sphere of interest but was included by the Clemenceau–Lloyd George Agreement of December 1918 in the British sphere in exchange for French participation in the north Mesopotamian oil deposits.

British official opinion was divided in its policy towards Iraq. The civil administration in Iraq was for long uncertain whether Iraq, including even the Mosul area, might not be annexed and come under direct rule of the Indian pattern. In the interest of imperial security and administrative efficiency they distrusted the Arab nationalism which had inspired the Arab Revolt in the west. The Arab Bureau in Cairo, on the other hand, favoured Hashimi rule of the Arab provinces of the Ottoman Empire. The British Government, beset by conflicting advice and embarrassed by its war-time agreements, attempted, through the agency of the administration in the country, to sound Iraqi opinion on the most acceptable form of control.

With the consequent delay in making a definite pronouncement of policy and with practical indications that the administration on the spot was preparing for British rule rather than for Iraqi independence, there was considerable discontent among Iraqi nationalists and pan-Arabists, who consisted chiefly of educated townsmen. Resentment was fanned by Turkish propaganda and by the fiercely enthusiastic Iraqi officers serving with Amir Faisal ibn Hussain in Syria and aggravated by the war-time measures of a foreign, non-Muslim administration. These weighed particularly heavily on the tribal and landowning rural population, especially the Shii tribes of the Middle and Lower Euphrates, who, self-interested rather than strongly nationalist, were assailed by the propaganda of the urban nationalists and the Shii divines of the Holy Cities. The assignment of the Mandate for Iraq to Great Britain at San Remo in 1920 and an attempt at tribal disarmament were followed by disturbances which, in July of that year, developed into an insurrection which, while it left large areas of the country unaffected, required considerable forces to suppress it. It was not completely suppressed till early 1921; but by October 1920 Sir Percy Cox, the first High Commissioner under the mandatory system, had terminated military rule and established an Arab Council of State advised by British officials.

642 By March 1921 the Amir Faisal ibn Hussain, expelled from
648 Damascus by the French the previous year, agreed at the instance of the British Government to accept the throne of Iraq;

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his nomination, accepted at the Cairo Conference of 1921, was approved, in spite of some opposition, by the Iraqi Council of State and confirmed in a referendum, and he was enthroned on 23 August 1921. The Anglo-Iraqi Treaty, through which the mandatory Power had decided to embody its obligations towards the League of Nations, was signed by the Iraq Government on 10 October 1922 against the determined opposition of nationalist elements, who insisted that the Treaty should terminate the Mandate and British influence, whereas it in fact incorporated the provisions of the Mandate, gave guarantees on judicial matters to make up for the abolition of the Capitulations, and guaranteed Great Britain's special interests in Iraq. Its period of validity, twenty years, was reduced the following year to four years from the ratification of peace with Turkey, which followed in July 1923; this, and the subsequent evolution of the British Government's attitude towards Iraq, were due largely to the increasing demand in Great Britain to terminate British commitments there. In March 1924, in spite of nationalist and Shii threats to boycott the elections, a Constituent Assembly was elected and was induced, in the face of considerable political and popular resentment, to accept the Treaty (June 1924), and later ratified it and the Organic Law, which had been drawn up on the basis of an Iraqi draft, after considerable disagreement between the King and the British Government on one side and Iraqi political opinion on the other over the royal powers.

In November the Council of the League of Nations awarded the major part of the Mosul vilayet to Iraq. In the same year a treaty between Turkey, Great Britain, and Iraq accepted the new frontiers as definitive and inviolable, while Iraq agreed to pay to Turkey 10 per cent on Mosul oil royalties on condition that the mandatory regime, as expressed in the Treaty, should continue for twenty-five years unless Iraq were previously admitted as a member of the League; this provision was embodied in a new Treaty in 1926. In September 1929 the British Government undertook to support Iraq's candidature for membership in 1932 and in 1930 a further new Treaty was signed, which provided for a close Anglo-Iraqi alliance, to last for twenty-five years from the admission of Iraq to the League. There was to be full and frank consultation between the parties in matters of foreign policy which might affect their common interest; mutual assistance in the event of war, including Iraq's provision of communications and all other facilities and assistance and the right of passage to British troops; and lease of sites for air bases near Basra and west of the Euphrates at which

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645 The General's Cabinet dissolved all the political parties in-
666 cluding the Constitutional Union, but conceded the opposition
665 demand for single-stage elections. Elections, carried out in January 1953, were boycotted by all but one of the former opposition parties, including that of Salih Jabr, on the charge of governmental control. The resulting chamber naturally showed an enormous majority for Nuri as-Said, though neither the boycott nor the existence of martial law can greatly have affected the issue: the extreme parties had anyway no prospect of success and it would appear that the party of Salih Jabr, in spite of its alleged expectations, was already outmanœuvred. The Cabinet which was subsequently formed under Jamil [185] Midfai remained in power till September; it apparently abandoned and indeed reversed its predecessor's cautious [722] attempt at economic reform. With martial law in force for little short of a year, political activity and polemic was for the time being stilled; but the suppression of a riot and the election of a conservative Parliament have not altered the fundamentals of the situation. A new Cabinet was formed on 16 September by Dr Mohammed Fadhil Jamali, former President of the Chamber of Deputies; martial law was ended by royal decree on 8 October and political parties were permitted to resume their activities.

668 But urban unrest, inflamed by the increasing participation of students in politics, can be expected to continue and spread, eventually to the rural population as well, so long as the public believes that the economics and administration of the country are subjected to the interest of a ruling class and its supposed allies among Western imperialist Powers who, in its opinion, maintain the State of Israel and are likely to involve Iraq on their own side in a third world war. Much of the bitterness with which this belief is held springs from privation or the fear of it. Once substantial results appear from the new programme of development, and the public is made aware of them, a foundation will have been laid for political stability.

Government and Constitution

643 The King of Iraq is King Faisal II, son of King Ghazi and
642 grandson of King Faisal ibn Hussain. The legislative power is
646 vested with the King in Parliament. Parliament consists of the Senate and the Chamber of Deputies. Senators are appointed by the King from among those who 'by their acts have gained the confidence and trust of the people, and those who have an honourable past in the service of the Government and the country'. In number they may not exceed one-fourth of the

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Chamber of Deputies. The deputies are elected on the basis of one to every 20,000 male Iraqi subjects. Every bill must be submitted to each Assembly in turn and then approved by the King.

The Cabinet consists of at least seven ministers, including the Prime Minister, under whose presidency it meets, and any ministers without portfolio. The Prime Minister is chosen by the King, who also appoints the other ministers on the recommendation of the Prime Minister. The ministers are responsible to the Chamber of Deputies, jointly in matters which concern the ministries and severally in what concerns their respective ministries and the departments under them.

The ministries are those of Foreign Affairs, Finance, Interior, Social Affairs, Defence, Justice, Education, Economics, Communications and Works, Health and Agriculture.

Administration

Iraq is divided into fourteen main administrative districts, or *liwas*. These are the *liwas* of Mosul, Arbil, Kirkuk, Sulaimania, Diala, Baghdad, Kut, Dulaim, Hilla, Kerbela, Diwaniya, Muntafiq, Amara, and Basra. Each *liwa* is administered by a *mutasarrif*, who is responsible to the Ministry of the Interior but is also the agent and representative of the other ministries.

Armed Forces and Police

The Iraqi army has an establishment of three divisions, comprising one mountain division, one plains division, and a cadre division which includes a mechanized force. There are a cadet and staff college and the usual service training schools. Military training is compulsory in Iraq for all men between 18 and 25, the period of actual service being 1½–2 years. Students of the secondary, technical, and religious schools are exempt, and exemption may in any case be bought after three months' training by a payment of ID50. Iraq has a small but efficient and expanding air force equipped with British operational aircraft. A flying training college has recently been established.

The police force, with a total strength of over 20,000, has a militarized force of 5,000 including a mechanized regiment, and a small camel corps which patrols the deserts in co-operation with armoured cars.

Public Health

Malaria, enteric fever, bilharzia, amoebic and bacillary dysentery, tuberculosis, ankylostomiasis, venereal diseases, and

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CONSTITUTION (ORGANIC LAW) OF IRAQ[1]

Passed by the Constituent Assembly, July 10, 1924, and promulgated by the King on March 21, 1925, as amended by the laws of July 29, 1925, and October 27, 1943. 642

Introduction

Art. 1. This law shall be known as "The Iraq Constitution," its provisions shall be in force in all parts of the Kingdom of Iraq.

Art. 2 *(as amended October 27, 1943)*. Iraq is a sovereign State, independent and free. Her territories shall not be partitioned and no part thereof shall be given up. The Government is a hereditary monarchy, and its form is representative.

Art. 3 *(as amended October 27, 1943)*. The city of Baghdad is the Capital of Iraq. In case of need some other place may be adopted as the Capital, as a temporary measure.

Art. 4 *(as amended October 27, 1943)*. The Iraq flag shall be of the following form and dimensions:—

Its length shall be double its breadth and it shall be divided horizontally into three parallel and equal strips, the uppermost being black, the next white and the next green. Next to the staff it shall bear a red truncated cone, of which the greater base shall be equal to the breadth of the flag, the smaller base equal to the breadth of the white strip and the height equal to one-fourth of the length of the flag. In the middle of the cone shall be two white stars of seven points placed in a perpendicular line parallel to the staff.

The use of the flag and the arms, insignia and decorations of the State shall be prescribed by law.

Part I

The Rights of the People

Art. 5 *(as amended October 27, 1943)*. Iraq nationality and the rules applicable thereto will be prescribed by law. 642 641

[1]English text, League of Nations, Geneva, 1929 (C. 49 1929, VI) (Series of *League of Nations Publications*. VI. A. Mandates. 1929. VI. A. 1.); Amendments of 1943: *Iraq Government Gazette*, Baghdad, November 28, 1943, pp. 469-476.

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642 Art. 6. There shall be no differentiation in the rights of Iraqis
641 before the law, whatever differences may exist in language, race or creed.

Art. 7. There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested, detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Art. 8. The inviolability of all places of residence is guaranteed. They may not be entered or searched except in such circumstances and in such manner as may be prescribed by law.

Art. 9. No person shall be prevented from having recourse to the Courts, or be obliged to have recourse to a Court other than the Court competent to deal with his case, except in accordance with law.

Art. 10 *(as amended October 27, 1943)*.

1) Rights of ownership shall be safeguarded. No person's goods or property shall be expropriated except for the public benefit, and in the circumstances and in the manner prescribed by law, and on condition that just compensation is paid.

2) Forced loans may not be imposed, nor may goods or property be seized or prohibited goods confiscated, except in accordance with law.

3) Unpaid forced labour and the general confiscation of movable and immovable property are absolutely forbidden.

Art. 11 *(as amended October 27, 1943)*. No tax or duty shall be imposed except by law, the provisions whereof shall include all the persons liable to pay the tax.

Art. 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis with such limits as may be prescribed by law.

Art. 13. Islam is the official religion of the State. Freedom to practise the rites of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom

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to practice the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Art. 14. *(as amended October 27, 1943).* Iraq nationals have the right to present petitions of complaint and memorials, in matters concerning themselves personally or in public matters, to the King and to Parliament and to the public authorities, in the manner and in the circumstances to be prescribed by law.

It is not permitted, except to official bodies and juristic persons, to address the authorities in the name of a number of persons.

Art. 15. All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such circumstances and in such manner as may be prescribed by law.

Art. 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Art. 17. Arabic shall be the official language, except as may be prescribed by a special law.

Art. 18 *(as amended October 27, 1943).* Iraq nationals are equal in the enjoyment of civil and political rights and the performance of public duties and obligations. No distinction shall be made between them on account of origin, language or religion. To them alone shall public appointments, civil or military, be entrusted, and foreigners may not hold such appointments except in the exceptional circumstances to be prescribed by law.

Part II

The Prerogatives of the Crown

Art. 19. The sovereignty of the constitutional Kingdom of Iraq resides in the people. It is a trust confided by them to King Faisal son of Husain, and to his heirs after him.

Art. 20 *(as amended October 27, 1943).*

1) The Heir Apparent shall be the eldest son of the King, in the

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642 direct line, in accordance with the provisions of the Law of the
643 Succession.

2) If there be no Heir Apparent according to the Law of Succession, the ablest adult male Iraqi of the sons of the eldest of the sons of King Hussein ibn Ali shall be the heir until there is an Heir Apparent.

Art. 21 *(as amended October 27, 1943).* On accession to the throne the King shall swear an oath before the Senate and Chamber of Deputies, assembled in joint session under the presidency of the President of the Senate, that he will uphold the Constitution and the independence of the country, and will be loyal to the nation and fatherland.

Art. 22 *(as amended July 29, 1925).* The King shall attain his majority on completion of his eighteenth year. In the event of the throne passing to a person below that age, the King's prerogatives shall be exercised by a Regent chosen by the former King, until such time as the King attains his majority. The Regent, however, may not assume this dignity, nor carry out the functions thereof, unless Parliament approves of his appointment. Should Parliament not approve, or should the former King fail to appoint a Regent, the Regent shall be appointed by Parliament. The Regent shall swear an oath before Parliament, as prescribed in the preceding article. Until such time as the Regent has been appointed and has taken the oath, the constitutional prerogatives of the King shall be exercised by the Council of Ministers on behalf of the people of Iraq, the Council being responsible therefor. No modification may be introduced into the Constitution during the Regency concerning the King's prerogatives and succession to the throne.

Whenever the necessity for the appointment of a Regent arises, Parliament shall be convoked immediately. Should the Chamber of Deputies be dissolved, and the election of the new Chamber be not yet completed, the former Chamber shall be convoked for this purpose.

Art. 23 *(as amended October 27, 1943).*

1) The King may, in case of need, absent himself from Iraq, by decision of the Council of Ministers, which must be published. Before leaving, the King will, with the approval of the Council of

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Ministers, appoint a Regent or Council of Regency, and define the powers which he delegates to him or them. 642 643

2) Neither a Regent nor any member of a Council of Regency shall exercise any right of the King until after he has taken the oath prescribed by Article 21 of this law.

3) If Parliament is sitting, the oath shall be sworn before it, in the manner described in Article 21; otherwise it shall be sworn before the Council of Ministers in the presence of the Presidents of the Senate and of the Chamber of Deputies, or those acting for them.

4) A Minister cannot be Regent or a member of a Council of Regency. If a member of Parliament is Regent or a member of a Council of Regency he shall not, during the period of the Regency, participate in the business of the Assembly to which he belongs.

5) If the absence of the King extends to more than four months and Parliament is not sitting, it shall be summoned immediately to consider the matter.

6) The Regent and the members of a Council of Regency must be Iraq nationals and not less than thirty years of age. A male relative of the King, who has completed the eighteenth year of his age, may be appointed.

Art. 24. The King may not ascend a throne outside Iraq, except with the consent of Parliament.

Art. 25. The King is safeguarded and is not responsible.

Art. 26 *(as amended October 27, 1943)*.

1) The King is Head of the State. He confirms laws, orders the publication, and supervises the execution thereof. By his order Regulations are issued for purpose of carrying out laws, within the express provisions thereof.

2) The King issues orders for holding General Elections for the Chamber of Deputies and for the convocation of Parliament. He opens Parliament, adjourns and prorogues it, and dissolves the Chamber of Deputies, in conformity with the provisions of this law.

3) If necessity shall arise, when Parliament is not sitting, for taking urgent measures to maintain order and public security, to repel a public danger, to incur urgent expenditure not sanctioned by the budget or by a special law, or to carry out the obligations of treaties, the King may, with the approval of the Council of Ministers

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642 issue ordinances, having the force of law, prescribing the measures to
643 be taken, as may be necessary in the circumstances, provided that they shall not contravene the Constitution. All ordinances must be submitted to Parliament at its next session, except those which have been issued for the purpose of fulfilling the obligations of treaties which have been approved by Parliament or the Constituent Assembly. If Parliament does not confirm the ordinances, the Government shall notify the termination of the operation thereof, and they shall stand repealed from the date of such notification. All Ministers must sign the ordinances.

The expression "Law" includes ordinances issued under this Article unless there is anything to the contrary in the context.

4) The King concludes treaties, provided that he shall not ratify them without the approval of Parliament.

5) The King selects the Prime Minister and, on his recommendation, appoints the Ministers and accepts their resignation from office.

6) The King may dismiss the Prime Minister if the public interest renders it necessary so to do.

7) The King appoints the members of the Senate and accepts their resignation from their office.

8) The King, on the recommendation of the responsible Minister, appoints and dismisses all diplomatic representatives, civil officials, qadhis and judges, and grants military rank and appoints divisional commanders and those above them, unless he delegates these powers, by law, to some other authority. He bestows decorations and titles and other marks of honour.

9) The King is Commander-in-Chief of all the armed forces. He declares war with the consent of the Council of Ministers. He concludes treaties of peace, on condition that he shall not ratify them without the approval of Parliament. He declares Martial Law and the State of Emergency in conformity with the provisions of this law.

10) The coinage shall be struck in the name of the King.

11) The death sentence shall not be executed unless it is confirmed by the King. The King may reduce sentences or remit them

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by special pardon and, with the consent of both Assemblies of Parliament, he may proclaim a general amnesty. 642 643

PART III

THE LEGISLATURE

Art. 27. The King shall exercise his powers by means of Royal Iradas. They shall issue upon the proposal of the responsible Minister or Ministers, with the concurrence of the Prime Minister, and shall be signed by them. 642 646

Art. 28. Legislative power is vested in Parliament and the King. Parliament is composed of the Senate and the Chamber of Deputies.

The legislature has the right of making laws and of amending and repealing them in conformity with the provisions of this law.

Art. 29. The King shall open Parliament in person or depute the Prime Minister or one of the Ministers for that purpose to perform the opening ceremony and deliver the speech from the throne.

Art. 30 *(as amended October 27, 1943)*. No person shall be a member of either Assembly of Parliament:—

1) If he is not an Iraq national who has acquired Iraq nationality at birth or by virtue of the Treaty of Laûsanne[1] or by naturalisation, provided that, if he is naturalised, he belongs to an Ottoman family ordinarily resident in Iraq before the year 1914, and has been an Iraq national for ten years.

2) If he is less than thirty years old in the case of a deputy, or less than forty in the case of a senator.

3) If he has been adjudged bankrupt and has not been reinstated.

4) If he has been interdicted by the Court and the interdiction has not been removed.

5) If he has been sentenced to imprisonment for a term of not less than one year for an offense which is not of a political nature, or if he has been sentenced to imprisonment for any period for theft, bribery, breach of trust, forgery, fraud or any other offence adversely affecting his honour.

6) If he holds an official appointment in the Government or the departments connected therewith, or any office, appointment or employment under a person or institution which has a contract with a

[1] See Turkey, Note on Treaties, p. 503 below.

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642 646 public department, or if he has any material interest, direct or indirect, with such contractor, unless the interest arise out of his being a share-holder in a Company composed of more than twenty-five persons. From this rule are excepted the lessees of Government lands and property, and those who are engaged in the duties described in paragraph 2 of Article 31 of this law.

7) If he is mad or an idiot.

8) If he is a relative of the King, within such degree as may be prescribed by law.

9) A person cannot be a member of both Assemblies of Parliament.

Art. 31 *(as amended October 27, 1943)*.

1) The Senate shall be composed of a number of persons not exceeding one quarter of the total number of Deputies, to be appointed by the King from among those who have, by their acts, secured the confidence and esteem of the people, and from among those who have served the State and fatherland with distinction in the past.

2) A Senator or Deputy may, with the approval of the Assembly to which he belongs, be deputed to undertake important duties in the service of the State for a period not exceeding two years.

Art. 32 *(as amended October 27, 1943)*. The period of membership of the Senate is eight years from the date of appointment. A former senator may be again appointed.

Art. 33 *(as amended October 27, 1943)*. The Senate will elect a President and two Vice-Presidents from among its members, for a period extending from the beginning of the ordinary session until the beginning of the ordinary session in the following year. The result of the election will be submitted to the King for his confirmation. In the event of the dissolution of the Chamber of Deputies, their term of office will not terminate until the new Parliament has assembled, unless they have ceased to be members of the Senate.

Art. 34. The Senate shall assemble and disperse at the same time as the Chamber of Deputies.

Art. 35 *(as amended October 27, 1943)*. A senator will receive, in addition to travelling allowance, a monthly allowance of fifty Dinars during the whole period of his membership.

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Art. 36. The Chamber of Deputies shall be constituted by election on the basis of one deputy for every twenty thousand males. 642 646

Art. 37. *(as amended October 27, 1943).* The election of deputies shall be done under a special law, which shall prescribe the manner of proposing candidates, of secret voting at elections, and the necessary representation of the Christian and Jewish minorities.

Art. 38 *(as amended October 27, 1943).*

1) The term of the Chamber of Deputies is four ordinary sessions, one in each year, beginning on the first day of December and, if that day falls on a legal holiday, then on the day following, subject to the provisions of paragraph 2 of Article 26.

2) The Chamber will be six months in session and six months in recess in each year. Subject to paragraph 1, the periods of session and recess in each year shall be determined by Royal Irada.

3) The Chamber will sit in the Capital but, if that is impossible, may sit elsewhere.

Art. 39 *(as amended October 27, 1943).*

1) The King will summon the Chamber of Deputies to meet in session; if he fails so to do on the appointed day, it will meet by virtue of this law. It will remain in session as prescribed by the preceding Article unless the King dissolves it before the end of its term.

2) The Chamber may adjourn its sittings from time to time in accordance with its Internal Regulations, and shall be deemed to be in session during such adjournments.

Art. 40 *(as amended October 27, 1943).*

1) If the Chamber is dissolved, new elections shall be proceeded with and the new Chamber will be summoned to meet in extraordinary session within a period not exceeding four months from the date of dissolution. This session shall be subject to the rules set out in Articles 38 and 39 in what concerns recess and adjournments. In any event the session must terminate on the thirtieth day of November, so that the first ordinary session of the term may begin, but if the extraordinary session begins in the months of December or January, it shall be regarded as the first ordinary session of the term.

2) If the Chamber is dissolved for any reason the new Chamber may not be dissolved for the same reason.

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3) The King may summon Parliament to assemble outside the period prescribed by Article 38 in order to decide matters to be specified in the summons; the session will be terminated by Royal Irada.

Art. 41. A former deputy is eligible for re-election.

Art. 42 *(as amended October 27, 1943)*. Every male Iraq national who has completed the thirtieth year of his age, and is not disqualified in any manner set out in Article 30, may be elected a deputy. He shall not represent more than one of the electoral districts described in the Electoral Law and, if he is elected to more than one district, he must, within eight days after having been so informed, select the district which he desires to represent. Officials, not being Ministers or delegated senators or deputies, who are elected may choose between accepting or refusing their seats, and those who accept must vacate their Government appointments within the period aforesaid.

Art. 43 *(as amended October 27, 1943)*. The Chamber of Deputies decides matters connected with the electoral qualifications of deputies, objections made against elections, vacant seats, and resignations.

Art. 44. The Chamber of Deputies shall elect a President, two Vice-Presidents and two Secretaries from among their number each year, during the first sitting of the Chamber. The result of this election shall be made known to the King and shall be confirmed by him. When necessary, one of the Vice-Presidents shall act for the President.

Art. 45. Every member of the Chamber of Deputies has the right to propose the enactment of a draft law, except in what concerns the financial matters referred to hereinafter, provided that he has the support of ten of his colleagues. If such proposal is accepted by the Chamber, it shall be sent to the Council of Ministers, in order that a draft law may be prepared. Any proposal which is rejected by the Chamber may not be reintroduced during the same session.

Art. 46. *(as amended October 27, 1943)*. A deputy may resign his seat by presenting his resignation in writing to the President, but the resignation shall be of no effect until it is accepted by the Chamber of Deputies.

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Art. 47 *(as amended October 27, 1943).* If a seat in the Chamber of Deputies becomes vacant by reason of death, resignation, loss of legal qualification, or absence, a new election must be held forthwith, at the request of the President. 642 646

Art. 48 *(as amended October 27, 1943).* A deputy is deemed to represent the whole of Iraq and not merely his own electoral district.

Art. 49. A member absent from the Chamber without leave or without just cause for a period of one month is considered to have resigned, subject to the terms of Art. 46.

Art. 50 *(as amended October 27, 1943).*

1) A deputy will receive, in addition to travelling allowance, a monthly allowance of forty Dinars during the whole period of his membership.

2) If the Chamber is dissolved on the first day of December or thereafter, the deputy shall receive his allowance for the remaining months of the sessional year, up to the end of November in such year.

Art. 51 *(as amended October 27, 1943).* Senators and deputies, before entering on their duties, shall individually swear an oath, before the Assemblies to which they belong, that they will be loyal to the King, preserve the Constitution, serve the nation and fatherland, and perform their duties diligently.

Art. 52 *(as amended October 27, 1943).*

1) The Senate shall not begin business unless more than one half of the members actually appointed are present.

2) The Chamber of Deputies shall not begin business unless more than half of the members actually elected are present.

Art. 53. Decisions shall be taken by a majority of votes of the members present, unless otherwise provided by this law. If the voting is equal, the President shall have a casting vote. No majority shall be obtained unless half the members present cast their vote. Each member shall vote in person. The method of voting shall be prescribed in the Internal Regulations of the Assembly.

Art. 54. Every member of Parliament has the right to put questions and demand explanations from Ministers. Discussions arising therefrom and from answers given in reply thereto shall be carried

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642 646 on in the manner prescribed by the Internal Regulations of each Assembly, provided that such discussion shall not take place until eight days at least have elapsed from the day on which such questions or demands for explanations were put. This procedure may be departed from in urgent cases or by consent of the Minister.

Art. 55 *(as amended October 27, 1943)*. An Assembly will pass its decisions on draft laws article by article and then as a whole, but it may resolve that it is enough to decide on the draft as a whole only, in which case the members shall have the right to discuss the articles.

Art. 56. No armed force may enter the Assembly or remain near its precincts, unless requested to do so by the President.

Art. 57. The meetings of both Assemblies shall be open to the public. At the request, however, of one of the Ministers, or four of the Senators, or ten of the Deputies, the debate on the question under discussion shall be conducted *in camera*.

Art. 58. No person may enter either Assembly and speak therein except members, Ministers or high officials deputed by Ministers during their absence, or persons invited so to do by the Assembly.

Art. 59. The Senate and the Chamber of Deputies shall have the right of issuing rules and regulations concerning the following matters:

1) The manner of exercising and maintaining the powers, privileges and safeguards conferred upon the Assembly by this law.

2) The transaction of the business of both Assemblies and the conduct of debates, whether sitting separately or jointly.

Art. 60. *(as amended October 27, 1943)*.

1) Every member has complete freedom of speech subject to the Internal Regulations of the Assembly to which he belongs. No legal proceedings shall be taken against him on account of any vote which he gives or any opinion which he expresses, or any speech which he makes in the course of the deliberations and discussions of the Assembly.

2) A member of Parliament shall not be arrested or tried unless the Assembly to which he belongs resolves, by majority, that sufficient grounds exist for his being charged, or unless he is arrested, *flagrante delicto*, for a crime. If a member is arrested for any reason while Parliament is in recess the Government shall so inform the Assembly when it meets, furnishing explanations and reasons.

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Art. 61. A Minister who is a member of either the Senate or Chamber of Deputies shall have the right of voting in the Assembly of which he is a member and the right of speaking in both Assemblies. Ministers who are not members of either Assembly shall have the right of speaking in both, but not of voting. Ministers, or persons representing them in their absence, shall have the right of precedence over other members in addressing the Assemblies.

Art. 62. *(as amended October 27, 1943).*

1) Draft laws will be submitted to one of the Assemblies and, if accepted, will be submitted to the other Assembly. They shall not become law unless accepted by both Assemblies and confirmed by the King.

2) If a draft law is submitted to one Assembly and the Prime Minister, or one of the Ministers mentioned in the draft, demands a joint session, and the Senate approves the demand, then the Assemblies shall meet under the presidency of the President of the Senate. The decision as to the draft shall be by a two-thirds majority of the joint assembly, but the draft shall not become law until the King has confirmed it.

3) Both Chambers shall decide on drafts submitted to them by the Government. After acceptance the drafts will be presented to the King, who will either confirm them or return them for reconsideration with a statement of reasons therefor, within a period of three months, provided that if either of the Assemblies resolves that a draft is urgent then it must be confirmed, or returned for reconsideration, within fifteen days, with a statement of reasons therefor. Drafts not returned within the prescribed period shall be regarded as confirmed.

4) Draft laws rejected by both Assemblies shall not be introduced again into either Assembly during the Session.

Art. 63. In the event of one of the Assemblies rejecting a draft law twice, and the other Assembly insisting upon its acceptance, a joint meeting of the members of the Senate and Chamber of Deputies shall be held, presided over by the President of the Senate, with the object of discussing the articles regarding which a divergence of opinion exists. If the draft law is accepted, with or without amendment, by a majority composed of two-thirds of the members of the

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642 646 joint meeting, such draft law shall be considered to have been passed by both Assemblies, but shall not become law until it has been confirmed by the King. If not passed in this manner, such draft law shall not be reintroduced into either Assembly during the current session.

Part IV

The Council of Ministers

642 645 Art. 64 *(as amended October 27, 1943).*

1) The number of Ministers shall not be less than seven, including the Prime Minister. No person shall be a Minister who is under any disqualification described in Article 30.

A Minister who is not a member of either Assembly shall not remain in office longer than six months unless he is appointed a senator or elected a deputy before the end of that period. A Minister who receives the salary of a minister shall not, at the same time, receive the membership allowance in either Assembly. A Minister shall not buy or lease any of the property or possessions of the State.

2) Deputy Ministers may be appointed provided that they must be members of Parliament.

3) In case of necessity the King may appoint Ministers without portfolio, in order to obtain the benefit of their experience and talents.

Art. 65 *(as amended October 27, 1943).* The Council of Ministers will undertake the direction of the affairs of the State. It will meet, under the presidency of the Prime Minister, to decide the measures to be taken in matters which concern more than one Ministry and in all important matters which concern the Ministries. The Prime Minister will submit the decisions of the Council to the King, for his confirmation.

Art. 66. Ministers of State shall be jointly responsible to the Chamber of Deputies for affairs dealt with by the various Ministries and responsible severally for acts relating to each of the Ministries and Departments attached thereto. Should the Chamber of Deputies pass a vote of no confidence in the Cabinet by a majority of members present, the Cabinet must resign. If the resolution in question relates to one Minister only, such Minister must resign.

At the request of the Prime Minister or of the Minister concerned, the Chamber shall, once only, postpone a vote of no confi-

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dence for a period not exceeding eight days. The Chamber shall not be dissolved during that period. 642 645

Art. 67. A Minister shall despatch all business relating to his Ministry and departments attached thereto in manner prescribed by law.

PART V

THE JUDICATURE

Art. 68. Judges shall be appointed by Royal Irada and may only be removed in the circumstances mentioned in the special law dealing with the conditions governing their qualifications, appointment, grades and method of dismissal. 642 692

Art. 69. The Courts shall be divided into three classes:

1. Civil Courts.
2. Religious Courts.
3. Special Courts.

Art. 70. The manner of instituting the Courts, the places where they are to be established, the grades, divisions, jurisdiction and supervision thereof, and the execution of judgments, shall be determined by special laws, subject to the provisions of this law.

Art. 71. The Courts shall be free from all interference in the conduct of their affairs.

Art. 72. All sittings of the Courts shall be open to the public, unless some legal justification exists for holding sittings *in camera*. Judgments of the Courts, as well as the proceedings thereof, may be published, except those relating to sittings held *in camera*. All judgments shall issue in the name of the King.

Art. 73. The Civil Courts shall have jurisdiction over all persons in Iraq, in all actions and civil and criminal matters, and those brought by or against the Iraq Government, with the exception of actions and matters coming within the jurisdiction of the religious or special Courts, as stated hereinafter in this law, or in any other law in force.

Art. 74. The jurisdiction of the Civil Courts includes civil, commercial and criminal matters, in accordance with the laws in force, provided that, in matters relating to the personal status of foreigners and in other civil and commercial matters in which by international custom the terms of the law of a foreign country are to be applied,

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642 692 such law shall be applied in manner to be prescribed by special law.

Art. 75. The religious Courts shall be divided into:

1. Shara' Courts.

2. The Spiritual Councils of the Communities.

Art. 76. The Shara' Courts alone shall be competent to deal with actions relating to the personal status of Muslims and actions relating to the administration of Waqf foundations.

Art. 77. Justice shall be administered in the Shara' Courts in accordance with the terms of the Shara' doctrine peculiar to each of the Islamic sects, in conformity with the terms of a special law. The Qadhi shall be a member of the sect to which the majority of the inhabitants of the place to which he is appointed belong, maintaining the appointment of both *Sunni* and *Ja'feri* Qadhis in the cities of Baghdad and Basra.

Art. 78. The Spiritual Councils of the Communities include the Jewish Spiritual Councils and the Christian Spiritual Councils. Such Councils shall be established, and powers of jurisdiction conferred upon them, by a special law.

Art. 79. The Spiritual Councils shall be competent to deal with the following matters:

1. Matters relating to marriage, dowry, divorce, separation, alimony, attestations of wills other than those attested by a notary public (with the exception of those matters coming within the jurisdiction of the Civil Courts relating to members of the community), but excluding foreigners who are members of such community.

2. Any other matter of personal status relating to members of the communities, if the parties so agree.

Art. 80. The procedure to be followed and the fees to be levied in the Spiritual Councils of the Communities shall be prescribed by special law. Succession, freedom of testamentary disposition and similar matters relating to personal status not coming within the jurisdiction of the Spiritual Councils of the Communities shall be regulated by law.

Art. 81 *(as amended October 27, 1943)*. The High Court will assemble to try Ministers and members of Parliament for political offences or offences connected with their public duties, and to try judges of the Court of Cassation for offences arising out of their

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duties, and to decide matters connected with the interpretation of this law and the conformity of other laws to this law. 642 692

Art. 82 *(as amended October 27, 1943).*

1) If it be necessary to hold a trial before the High Court the case shall be submitted to the Court by a resolution of accusation, passed by the Chamber of Deputies, separately in each case, by a majority composed of two thirds of the members present.

2) Other matters shall be submitted to the High Court by decision of the Council of Ministers or of one of the Assemblies of Parliament.

3) The High Court shall be constituted of eight members, beside the President, to be chosen by the Senate, four of them being senators and four of them being judges of the Court of Cassation or other senior judges. The Court will sit under the presidency of the President of the Senate or, if he cannot be present, his deputy.

Art. 83 *(as amended October 27, 1943).* If it is required to decide a matter connected with the interpretation of the provisions of this law, or to decide whether a law in force contravenes the provisions of this law, the High Court will assemble by virtue of a Royal Irada, to be issued with the consent of the Council of Ministers, after the Court has been constituted as prescribed by paragraph 3 of the preceding article. If Parliament is not in session the members shall be appointed by decision of the Council of Ministers and Royal Irada.

Art. 84 *(as amended October 27, 1943).* If it is necessary to interpret laws or regulations in circumstances other than those described in the preceding article, or if it is necessary to decide whether a regulation contravenes the law on which it is based, a Diwan Khas shall, at the request of the Minister concerned, be constituted under the presidency of the President of the Civil Court of Cassation or, if he is unable to attend, the Vice-President. The members shall be chosen as prescribed by a special law, three of them from the judges of the Court of Cassation and three from the senior military officers if the law in question concerns the armed forces, or three from the senior administrative officials if the law concerns administrative matters.

Art. 85 *(as amended October 27, 1943).* Cases tried by the High Court shall be decided according to law. An accused person shall not be declared guilty except by a majority of two thirds of the Court.

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642 692 The decisions of the Court are final. Persons who are accused by the Chamber of Deputies shall forthwith relinquish their duties. Resignation shall not be a bar to prosecution.

Art. 86 *(as amended October 27, 1943)*.

1) Every decision of the High Court declaring that a law or any provision of a law contravenes the provisions of this law shall issue by majority of two thirds of the Court. If a decision of this nature is issued, then the law, or the offending portion thereof, will stand repealed from the date on which the decision was issued, provided that the Government shall introduce legislation providing for compensation for damage which may have been caused by the application of the repealed provisions.

2) Every decision issuing from the Diwan Khas, declaring that a regulation, or some provision thereof, contravenes the law on which it is based, shall be by a majority of two thirds of the Diwan. If a decision of this kind is issued, then the regulation, or the offending part thereof, shall stand repealed from the date of the issue of the decision.

Art. 87. Decisions taken by the High Court regarding matters referred to in Article 83 (with the exception of those matters referred to in Article 86) and taken by the Diwan Khas regarding matters referred to in Article 84 shall be taken by a majority of the Court of Diwan Khas. Such decisions shall apply to all Courts and Government Departments.

Art. 88. Special Courts or Committees shall be set up when necessary for dealing with the following matters:

1) For the trial of members of the Iraq Military Forces for offences mentioned in the Military Penal Code.

2) For settling criminal and civil cases relating to the tribes in accordance with tribal custom as provided for by special law.

3 For the settlement of disputes arising between the Government and Government servants concerning their duties.

4) For investigating disputes relating to the possession or boundaries of lands.

5) *(as added October 27, 1943)*. Courts-martial and Special Courts set up in the circumstances described in Article 120 of this law.

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Art. 89 *(as amended October 27, 1943).* The procedure in the Special Courts and the fees to be collected therein and the manner of appeal against, or revision of, the judgments thereof, shall be prescribed by law. 642 672

PART VI

FINANCIAL MATTERS

Art. 90. All taxes and excise dues shall remain unaltered as from the coming into force of this law, until changed by law. 642 652

Art. 91 *(as amended October 27, 1943).* Taxes and dues shall not be imposed except by law, provided that this shall not apply to charges collected by Government Departments in return for public services rendered by them or in return for the enjoyment of State property. Taxes and duties may not be imposed by ordinance.

Art. 92 *(as amended October 27, 1943).* Taxes and dues must be collected from the tax payers without distinction and none of them shall be exempted therefrom except by law.

Art. 93. No property of the State may be sold, granted, leased or otherwise disposed of except in accordance with law.

Art. 94. No monopoly or concession shall be granted for dealing with or using any of the natural resources of the land, or for any public service, nor shall the State revenues be farmed out, except in accordance with law, provided that, where the period relating to them exceeds three years, they must in each case be the subject of a special law.

Art. 95. The Government may not contract any loan, nor undertake anything involving payment out of public monies, except in accordance with a special law, unless the Budget Law makes provision therefor.

Art. 96. All monies received by Government officials must be paid into the State Treasury and accounted for in accordance with such procedure as is prescribed by law.

Art. 97. No salary may be allotted, nor remuneration paid, nor any monies belonging to the State Treasury expended for any reason whatsoever, except in accordance with law. No item in the budget estimates shall be expended except in such manner as is prescribed by law.

Art. 98. The budget estimates shall be sanctioned by an annual

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642 law known as the "Budget Law." The Budget Law must contain
652 an estimate of the income and expenditure for the year in question.

Art. 99. Parliament must approve the budget in the session preceding the commencement of the financial year to which the law in question relates.

Art. 100. The Minister of Finance must in the first place submit to the Chamber of Deputies all draft laws for the appropriation of monies or for increasing, decreasing or cancelling the approved budget estimates. Similarly, the Budget Law and all draft laws relating to loans to be contracted by the Government must be submitted to the Chamber of Deputies.

Art. 101. The debate on the Budget Law and voting thereon shall take place article by article separately. It shall then be voted upon as a whole. The budget shall be voted upon vote by vote.[1]

Art. 102. Should it be found necessary to expend sums of money urgently while Parliament is not sitting, the expenditure of which has not been sanctioned by the budget or by a special law, the King may, with the concurrence of the Council of Ministers, issue royal ordinances directing that financial measures shall be taken as provided by paragraph 3 of Article 26.

Art. 103. Parliament may pass a law for the appropriation of specified sums of money, to be expended over a period of years.

Art. 104. A law shall be passed providing for the setting up of a Department for the purpose of examining all expenditure and for the drawing up of a report for presentation to Parliament, at least once in each year, as to whether such expenditure is in conformity with the appropriations as approved by Parliament and has been expended in accordance with the procedure laid down by law.

Art. 105. No draft law may be introduced, nor any proposal put forward in either Assembly, involving the expenditure of any portion of the public revenues, except by a Minister.

Art. 106. The Chamber of Deputies may not make any decision, nor propose any amendment to a draft law, involving the reduction

[1] The debate on the budget may take place in respect of every item of expenditure, but it is each head of expenditure (chapter of the Budget Law) which when it comes to vote is taken as a unit (for instance, vote for health service, vote for police, vote for education, etc.) Information through the courtesy of Professor M. F. Abcarius, Beirut.—Ed.

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of expenditure arising out of treaties approved by Parliament, or the Constituent Assembly, unless approved by the King.

Art. 107. Should the new financial year have begun before the promulgation of the Budget Law relating thereto, and should Parliament have assembled, the Minister of Finance shall submit a draft law containing provisional budget estimates for a period not exceeding two months. On the expiration of the period covered by such estimates, the Minister of Finance may submit a fresh draft law of a similar nature. This procedure may be repeated on such occasions as may be necessary. Should Parliament not be sitting, the budget of the preceding year shall be followed without prejudice to the right of issuing the ordinances referred to in Article 102.

Art. 108 *(as amended October 27, 1943)*. The coinage of the State shall be determined by law.

Part VII

Administration of the Provinces

Art. 109. The administrative districts of Iraq, their classes, names, manner of institution, the powers of the officials and their titles shall be prescribed by a special law.

Art. 110. The law referred to in the preceding article shall provide that steps shall be taken in certain of the administrative divisions to ensure the performance of any obligations relating thereto, arising out of treaties concluded by the King and approved by Parliament or the Constituent Assembly.

Art. 111. Municipal affairs in Iraq shall be administered by means of Municipal Councils in accordance with a special law. In the administrative divisions, Administrative Councils shall perform such duties as may be prescribed for them by law.

Art. 112. Each Community shall have the right of establishing Councils in important administrative districts, competent to administer buildings and properties dedicated to waqfs (pious foundations) and bequests for charitable purposes. They shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof, in accordance with the wishes of the donor or with the custom in use among the Community. Such Communities shall also undertake the supervision of the property of orphans in accord-

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642 ance with law. The Councils referred to above shall be under the
635 supervision of the Government.

PART VIII

CONFIRMATION OF LAWS AND JUDGMENTS

642 Art. 113. Ottoman Laws published before November 5th, 1914,
671 and laws published on or after that date and which have remained in force in Iraq up to the time of the publication of this law, shall remain in force in Iraq so far as circumstances permit, subject to any modification or repeal in conformity with the proclamations, regulations and laws referred to in the following article, and until they are altered or repealed by the legislative power, or the High Court issues a decision rendering them null and void in accordance with the provisions of Article 86.

Art. 114. All proclamations, regulations and laws issued by the Commander-in-Chief of His Britannic Majesty's Forces in Iraq, the Civil Commissioner, and the High Commissioner, and those issued by the Government of His Majesty King Faisal, during the period between November 5th, 1914, and the date of the coming into force of this Constitution, shall be considered to be valid as from the date on which they came into force. Any portion thereof still unrepealed by that date shall remain in force until changed or repealed by the legislative power, or until the High Court issues a decision rendering them null and void, in accordance with the provisions of Article 86.

Art. 115. Every person shall be considered to be released and exempt from all claims relating to any acts performed by him in good faith in conformity with instructions issued by the Commander-in-Chief of His Britannic Majesty's Forces in Iraq, the Civil Commissioner, the High Commissioner, the Government of His Majesty King Faisal, or by an official duly authorised thereunto, whether in a military or civil capacity, with a view to the suppression of hostilities, the establishment and consolidation of order and public security, or the carrying out of orders issued in accordance with martial law between November 5th, 1914, and the date of the coming into force of the Constitution. Every act referred to in this article shall be considered to have been done in good faith, unless the complainant can furnish proofs to the contrary. Any action or judicial

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proceeding with regard to any such act shall not be entertained and 642
shall be considered null and void in the absence of such proof brought 671
forward by the complainant.

Art. 116. All judgments passed in Civil and Shara' actions by the Ottoman Courts before the occupation by His Britannic Majesty's Forces, and likewise judgments passed in Civil and Shara' actions by the Courts set up after the said occupation, or by Political and Assistant Political Officers, in matters which came within their jurisdiction, shall be considered to have been given by the regularly constituted Courts of Iraq.

Art. 117. All judgments and decisions in criminal matters given by the Courts set up after the occupation of His Britannic Majesty's Forces or by Courts-martial, Military Courts or by any Military Governor or Political or Assistant Political Officer or other officials authorised to try criminal offences and also the penalties imposed upon those persons tried in the Courts referred to above, or by the persons referred to, shall all be considered to have been passed by the regularly constituted Courts of Iraq.

PART IX

CONSTITUTIONAL AMENDMENTS

Art. 118. Parliament may, within one year from the coming into 642
force of this law, amend any of the subsidiary matters contained therein or add to them, in order that the objects of this law may be given effect, provided that Parliament shall agree by a two-thirds' majority of votes in both Chambers.

Art. 119. Subject to the provisions of the preceding article, no amendment whatsoever may be made in the Constitution for a period of five years from the date of the coming into force thereof, nor after the expiration of that period, except in the following manner:

Every amendment must be approved by a two-thirds' majority of both the Chamber of Deputies and the Senate. After such amendment has been approved, the Chamber of Deputies shall be dissolved and a new Chamber elected. An amendment which has been approved by the former Chamber shall be submitted again to the new Chamber and Senate. If approved by a two-thirds' majority of each

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642 Assembly, the amendment shall be submitted to the King for confirmation and promulgation.

Part X

General Provisions

Art. 120. Should disturbances occur, or should anything happen indicating the likelihood of the occurrence of events of such a character in any part whatsoever of Iraq, or should there be a menace of hostile attack upon any part whatsoever of Iraq, the King shall have power, subject to the approval of the Council of Ministers, to proclaim martial law provisionally in those districts of Iraq exposed to the danger of disturbances or attacks. The application of the existing laws and regulations may be suspended by the proclamation declaring martial law in force, in such places and to such extent as may be prescribed in such proclamation, provided that those charged with the execution of the proclamation shall be subject to any legal consequences of their acts, until a special law has been passed by Parliament exempting them therefrom. The method of administration of the places in which martial law has been declared to be in force shall be prescribed by Royal Irada.

(as added October 27, 1943) Upon the occurrence of danger or rebellion or anything which disturbs the peace, in any part of Iraq, the King may, with the consent of the Council of Ministers, notify a state of emergency in the whole of Iraq, or in any part thereof. The districts affected by the notification shall be administered in accordance with a special law, which shall provide for trial, by Special Courts, of those who commit specified offenses, and prescribe the administrative measures to be taken by specified authorities.

Art. 121. Should it be necessary to interpret any provision of law:

1) Should the interpretation relate to the provisions of this Constitution, it shall appertain to the High Court, as stated in Part V of this law.

2) Should the interpretation relate to any law connected with the administration of public affairs, it shall appertain to the Diwan Khas as stated in Part V of this law.

3) Any other matters requiring interpretation shall appertain to

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the Courts of Justice having jurisdiction in the cases in which need for interpretation arises. 642

Art. 122. The Department of Islamic Waqfs shall be considered to be an official Government Department, its affairs being administered and its finances regulated in accordance with a special law.

Art. 123 *(as added October 27, 1943)*. Parliament may not pass any law granting pardon to persons who have committed offences which are directed to changing the form of Government or changing the Government or constraining the King or the Government, by pressure or threats, to do any act.

Art. 124 *(as added October 27, 1943)*. Constitutional methods which are not mentioned in, nor forbidden by, this law, but are practised by Constitutional States, may be adopted by decision of Parliament in joint Assembly, and observed as constitutional rules.

Art. 125. This law shall come into force from the date on which it is confirmed by the King.

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DECLARATION OF THE KINGDOM OF IRAQ, MADE AT BAGHDAD ON MAY 30, 1932, ON THE OCCASION OF THE TERMINATION OF THE MANDATORY REGIME IN IRAQ, AND CONTAINING THE GUARANTEES GIVEN TO THE COUNCIL BY THE IRAQI GOVERNMENT[1]

CHAPTER I

PROTECTION OF MINORITIES

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Art. 1. The stipulations contained in the present chapter are recognised as fundamental laws of Iraq, and no law, regulation or official

[1] English text: League of Nations, Geneva 1932 (A. 17 1932. VII) (Series *League of Nations Publications*, VII, Political, 1932, VII, 9). On January 28, 1932, the Council of the League of Nations adopted a resolution under which Iraq was to make before the Council a Declaration concerning the protection of minorities, the Declaration being considered as a condition for the termination of the British mandatory regime. On May 19, 1932, the Council approved the text of that Declaration and at the same time recommended that the various countries renounce the privileges of the Capitulations which they enjoyed in that country.

Upon this Declaration the Sixth Committee (Political Questions) of the 13th Assembly of the League of Nations approved a report of its Sub-Committee on the application of the Kingdom of Iraq for admission to membership in the League of Nations. The Sub-Committee's report stated that the general conditions laid down by the Council for the termination of the mandatory regime had been fulfilled. On October 1, 1932, the Committee unanimously recommended that the Assembly should admit the Kingdom of Iraq to the League of Nations. On October 3, 1932, the Assembly, in its Sixth Plenary Meeting, admitted Iraq to the League. All fifty-two delegations taking part in the ballot voted for the admission of Iraq. See League of Nations *Official Journal*, July, 1932, p. 1212; *ibid.*, Special Supplement no. 109, Records of the 13th Ordinary Session of the Assembly, 1932, Meetings of the Committees, *Minutes of the Sixth Committee* (Political Questions), pp. 9, 14-16, September 29 and October 1, 1932; *ibid.*, *Special Supplement* no. 104, pp. 46-48 (Sixth Plenary Meeting, October 3, 1932). The termination of the mandatory regime was preceded by a Treaty of Alliance with the United Kingdom. See pp. 191-196 above. As to the present legal validity of the measures undertaken by the League of Nations for the protection of minorities, the Secretary General of the United Nations has made a study of this question upon the request of the Economic and Social Council (see United Nations Documents—GENERAL—E/CN 4/367— April 7, 1950). With regard to Iraq the Secretary General came to the following conclusion (*ibid.*, pp. 50-51): "As regards ordinary causes of extinction of obligations, since Iraq was bound by a Declaration made before the Council of the League of Nations, the dissolution of the latter suspended the obligation, which would return into force only if the United Nations decided to take the place of the League of Nations." The Commission on Human Rights decided at its sixth session in 1950 to postpone consideration of this study. The question cannot be considered to have been finally settled, and the document is therefore reproduced in this volume.—ED.

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642 action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action now or in the future prevail over them.

Art. 2. (1) Full and complete protection of life and liberty will be assured to all inhabitants of Iraq without distinction of birth, nationality, language, race or religion.

(2) All inhabitants of Iraq will be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Art. 3. Ottoman subjects habitually resident in the territory of Iraq on August 6th, 1924, shall be deemed to have acquired on that date Iraqi nationality to the exclusion of Ottoman nationality in accordance with Article 30 of the Lausanne Peace Treaty[1] and under the conditions laid down in the Iraqi Nationality Law of October 9th, 1924.

Art. 4. (1) All Iraqi nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

(2) The electoral system shall guarantee equitable representation to racial, religious and linguistic minorities in Iraq.

(3) Differences of race, language or religion shall not prejudice any Iraqi national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions or industries.

(4) No restriction will be imposed on the free use by any Iraqi national of any language, in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

(5) Notwithstanding the establishment by the Iraqi Government of Arabic as the official language, and notwithstanding the special arrangements to be made by the Iraqi Government, under Article 9 of the present Declaration, regarding the use of the Kurdish and Turkish languages, adequate facilities will be given to all Iraqi nationals whose mother tongue is not the official language, for the use of their language, either orally or in writing, before the courts.

Art. 5. Iraqi nationals who belong to racial, religious or linguistic

[1] See Turkey, note on Treaties, p. 503 below.

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minorities will enjoy the same treatment and security in law and in fact as other Iraqi nationals. In particular, they shall have an equal right to maintain, manage and control at their own expense, or to establish in the future, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Art. 6. The Iraqi Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law and personal status, measures permitting the settlement of these questions in accordance with the customs and usage of the communities to which those minorities belong.

The Iraqi Government will communicate to the Council of the League of Nations information regarding the manner in which these measures have been executed.

Art. 7. (1) The Iraqi Government undertakes to grant full protection, facilities and authorisation to the churches, synagogues, cemeteries and other religious establishments, charitable works and pious foundations of minority religious communities existing in Iraq.

(2) Each of these communities shall have the right of establishing councils, in important administrative districts, competent to administer pious foundations and charitable bequests. These councils shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof in accordance with the wishes of the donor or with the custom in use among the community. These communities shall also undertake the supervision of the property of orphans, in accordance with law. The councils referred to above shall be under the supervision of the Government.

(3) The Iraqi Government will not refuse, for the formation of new religious or charitable institutions, any of the necessary facilities which may be guaranteed to existing institutions of that nature.

Art. 8. (1) In the public educational system in towns and districts in which are resident a considerable proportion of Iraqi nationals whose mother tongue is not the official language, the Iraqi Government will make provision for adequate facilities for ensuring that in the primary schools instruction shall be given to the children of such nationals through the medium of their own language; it being under-

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642 stood that this provision does not prevent the Iraqi Government from making the teaching of Arabic obligatory in the said schools.

(2) In towns and districts where there is a considerable proportion of Iraqi nationals belonging to racial, religious or linguistic minorities, these minorities will be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

Art. 9. (1) Iraq undertakes that in the liwas of Mosul, Arbil, Kirkuk and Sulaimaniya, the official language, side by side with Arabic, shall be Kurdish in the qadhas in which the population is predominantly of Kurdish race.

In the qadhas of Kifri and Kirkuk, however, in the liwa of Kirkuk, where a considerable part of the population is of Turcoman race, the official language, side by side with Arabic, shall be either Kurdish or Turkish.

(2) Iraq undertakes that in the said qadhas the officials shall, subject to justifiable exceptions, have a competent knowledge of Kurdish or Turkish as the case may be.

(3) Although in these qadhas the criterion for the choice of officials will be, as in the rest of Iraq, efficiency and knowledge of the language, rather than race, Iraq undertakes that the officials shall, as hitherto, be selected, so far as possible, from among Iraqis from one or other of these qadhas.

Art. 10. The stipulations of the foregoing articles of this Declaration, so far as they affect persons belonging to racial, religious or linguistic minorities, are declared to constitute obligations of international concern and will be placed under the guarantee of the League of Nations. No modification will be made in them without the assent of a majority of the Council of the League of Nations.

Any Member of the League represented on the Council shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council may thereupon take such measures and give such directions as it may deem proper and effective in the circumstances.

Any difference of opinion as to questions of law or fact arising out of these articles between Iraq and any Member of the League

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represented on the Council shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant. 642

CHAPTER II

Art. 11. *Most-favoured-nation Clause.* (1) Subject to reciprocity, Iraq undertakes to grant to Members of the League most-favoured-nation treatment for a period of ten years from the date of its admission to membership of the League of Nations. 642 648

Nevertheless, should measures taken by any Member of the League of Nations, whether such measures are in force at the above-mentioned date or are taken during the period contemplated in the preceding paragraph, be of such a nature as to disturb to the detriment of Iraq the balance of trade between Iraq and the Member of the League of Nations in question, by seriously affecting the chief exports of Iraq, the latter, in view of its special situation, reserves to itself the right to request the Member of the League of Nations concerned to open negotiations immediately for the purpose of restoring the balance.

Should an agreement not be reached by negotiation within three months from its request, Iraq declares that it will consider itself as freed, *vis-à-vis* of the Member of the League in question, from the obligation laid down in the first sub-paragraph above.

(2) The undertaking contained in paragraph 1 above shall not apply to any advantages which are, or may in the future be accorded by Iraq to any adjacent country in order to facilitate frontier traffic, or to those resulting from a Customs union concluded by Iraq. Nor shall the undertaking apply to any special advantages in Customs matters which Iraq may grant to goods the produce or manufacture of Turkey or of any country whose territory was in 1914 wholly included in the Ottoman Empire in Asia.

Art. 12. *Judicial Organisation.* A uniform system of justice shall be applicable to all, Iraqis and foreigners alike. It shall be such as effectively to ensure the protection and full exercise of their rights both to foreigners and to nationals.

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642 The judicial system at present in force, and based on Articles 2, 648 3 and 4 of the Agreement between the Mandatory Power and Iraq, signed on March 4th, 1931, shall be maintained for a period of 10 years from the date of the admission of Iraq to membership of the League of Nations.

Appointments to the posts reserved for foreign jurists by Article 2 of the said Agreement shall be made by the Iraqi Government. Their holders shall be foreigners, but selected without distinction of nationality; they must be fully qualified.

Art. 13. *International Conventions.* Iraq considers itself bound by all the international agreements and conventions, both general and special, to which it has become a party, whether by its own action or by that of the Mandatory Power acting on its behalf. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by Iraq throughout the period for which they were concluded.

Art. 14. *Acquired Rights and Financial Obligations.* Iraq, taking note of the resolution of the Council of the League of Nations of September 15th, 1925:

(1) Declares that all rights of whatever nature acquired before the termination of the mandatory regime by individuals, associations or juridical persons shall be respected.

(2) Undertakes to respect and fulfil all financial obligations of whatever nature assumed on Iraq's behalf by the Mandatory Power during the period of the Mandate.

Art. 15. *Freedom of Conscience.* Subject to such measures as may be essential for the maintenance of public order and morality, Iraq undertakes to ensure and guarantee throughout its territory freedom of conscience and worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, whatever the nationality of those missions or of their members.

Art. 16. *Final Clause.* The provisions of the present chapter constitute obligations of international concern. Any Member of the League of Nations may call the attention of the Council to any infraction of these provisions. They may not be modified except by

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agreement between Iraq and the Council of the League of Nations acting by a majority vote. 642 648

Any difference of opinion which may arise between Iraq and any Member of the League of Nations represented on the Council, with regard to the interpretation or the execution of the said provisions, shall, by an application by such Member, be submitted for decision to the Permanent Court of International Justice.

The undersigned, duly authorised, accepts on behalf of Iraq, subject to ratification, the above provisions, being the declaration provided for by the resolution of the Council of the League of Nations of May 19th, 1932.

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647 652 185 "We have been impressed by the ingenuity of the attempt to cover a large part of the cost of the existing centres by the voluntary contributions of the direct beneficiaries. It is clear, however, that the method of raising funds by voluntary contributions is preventing the rapid expansion of the benefits of the scheme to cover the majority of the rural population. It may therefore be desirable, as part of the land redistribution and fiscal reform of the country now in progress, to set aside a large proportion of the national revenues resulting from taxation to provide free basic services for the welfare of the fellaheen, as and when the necessary personnel and supplies become available.

"If the provision of free services is thought to compromise the principle of self-help upon which the centres have been founded, an alternative might be to maintain the existing structure of State subsidy to locally contributed funds, but at the same time to introduce the principle of compulsory membership, and individual contribution to running expenses, on a system of local option. That is to say, in each village the majority of adult inhabitants would decide whether the local contribution to the cost of a centre (which would be open to all free of cost) should be met from a graduated levy. The amount of each individual contribution would be determined on according to capacity to pay or on some other equitable basis."

OOU 42. At the meeting of the inter-ministerial committee which we attended at the close of our mission, we were invited to participate in a discussion of ways and means of ensuring that the technical advice and guidance, - which already exist in each of the departments of public service and have been created for the welfare of the community at large - are better co-ordinated and decentralized and made available more directly and more extensively to the fellaheen. A full exchange of views took place and we were happy to find that the Ministers had anticipated many of the criticisms and suggestions that had occurred to our minds.

IRAQ

(Visited 8 - 12 January)

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642 131 161 43. Iraq is a constitutional monarchy, with territory covering 168,400 square miles and a population of approximately 5,000,000. The country has great economic potentialities which until recently have not been adequately exploited. Income per capita does not yet exceed 30 Iraqi dinars (approximately US$84). In the past the predominance of the tribal system has impeded a redistribution of lands now recognized as necessary. The abundance of government-owned lands which will become cultivable under modern methods and extended irrigation is expected to facilitate the 434 423 distribution of land on the basis of small property ownership without intermediary of tribal chiefs.

433 185 Iraq has large possibilities of land reclamation: i.e. the country can feed a larger population than it actually has, and there is in the near future no danger of over-population, even assuming that the death rate is lowered by various measures.

657 185 44. We were assured by one Minister with whom we had the privilege of discussing the standard of living of so many of the poorer sections of the community that the evils from which the country was suffering were well known, and that a partial explanation of many of the difficulties hitherto experienced in effecting necessary improvements was to be found in a lack of co-ordination between existing health and education

63:Simmons et al G-5 (1941-1951) 1954
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Iraq

GEOGRAPHY AND CLIMATE

Iraq is a constitutional monarchy which has been an independent sovereign state since the termination, in 1932, of the mandate awarded Great Britain by the League of Nations. Historically, it is identified with Mesopotamia, the "land between the rivers" and the home of one of the oldest civilizations known to man. Modern Iraq has an area of about 170,000 square miles, encompassing the valleys of the Tigris and the Euphrates rivers, a fringe of highlands in the north and an expanse of desert in the southwest. It extends from the Persian Gulf and Arabia in the south to Turkey in the north, and from Iran in the east to Syria and Jordan in the west. The country is conveniently divided into four geographic regions—the alluvial plains of the rivers, the mountain ranges backing the northern and the northeastern frontiers, the intervening uplands and the desert.

Rising in the mountains of eastern Anatolia, the Tigris River flows for 770 miles through Iraq, and in its northern course receives several tributaries, the most important in Iraqi territory being the Great Zab, the Little Zab and the Diyala. The Euphrates River also takes its source in Anatolia but meanders across central Syria and, subsequently, for 750 miles in Iraq before converging with the Tigris at Al Qurnah. The Shatt al Arab, formed by the union of the two rivers, flows for about 100 miles to the Persian Gulf, and for part of its length marks the boundary with Iran. The lower Euphrates and Tigris valleys form a great deltaic plain which reaches back from the Gulf to a zone north of Baghdad. It is

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563 services in the building up of its administration. From the establishment of the new country, the Jewish community, and especially its leading members, have been as much bound up with its development as their Muslim neighbours.

Hezkiel Sassoon was appointed Minister of Finance and continued to hold this office in several successive Cabinets. A Jew, David Jamra, was appointed Vice-President of the Court of Appeal. Other Jews occupied important posts in various departments, particularly those concerned with the administration of ports, railways, and finance.

The large number of Jewish officials in the public service was due to the fact that the sudden demand for officials and clerks could only be satisfied in the main from the Jewish and Christian minorities, with their higher educational standards. During the period of the Mandate (*i.e.*, until 1932), and even in the first years of Iraq's existence as an independent State, the high proportion of Jews in Government service caused no offence. Their talents and skill in office work were most valuable to a Government seeking to prove Iraq's readiness for independence.

563 The Jewish communities in Baghdad and Basra are among the
463 wealthiest in the entire Middle East. The names of some of the leading families, such as the Sassoons and the Khadooris, are known even in other countries. There also exists a large middle-class of small bankers, retailers, agents, merchants, civil servants, clerks, and physicians and lawyers, together with other members of the liberal professions. There are—among the poorer elements—many small shopkeepers, and likewise many craftsmen of one sort or another—masons, carpenters; and also domestic servants. There is no special Jewish quarter in Baghdad, Jews being found in all parts of the town, though they do tend to congregate in certain streets of different quarters.

563 The community is well organised. In Baghdad it has established a great number of welfare and social services, a hospital, and about 25 schools. By 1930, 7,200 pupils were attending the ten schools under *Alliance* administration. Thanks to these services, the state of health and the general standard of education of the Jews are far above the average level in Iraq. Ninety per cent of the candidates from Iraq for the London matriculation examination, for instance, used to be Jews.

The community is governed by a lay council of 60 members, who are entitled to impose certain taxes (*e.g.*, on meat) and to allocate the necessary funds to the various institutions. These funds have made it possible to admit pupils to elementary schools free of charge.

There is also a religious council, under the Chief Rabbi, Haham Benjamin, which maintains the communal courts dealing with all such matters as marriage, divorce, inheritance, and the like. Until his resignation at the end of 1949 the overall Head of the community was the universally respected Haham Sasson Khadoori.

● [642] This partial communal autonomy arises from Article No. 79 of the Constitution of Iraq. The internal organisation of the Jewish